



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 49] नई दिल्ली, दिसम्बर 3—दिसम्बर 9, 2017, शनिवार/अग्रहायण 12—अग्रहायण 18, 1939
No. 49] NEW DELHI, DECEMBER 3—DECEMBER 9, 2017, SATURDAY/AGRAHAYANA 12—AGRAHAYANA 18, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 24 नवम्बर, 2017

का.आ. 2746.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 सपठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) अनुभाग-4, लखनऊ की दिनांक 17 जुलाई, 2017 की आदेश संख्या-04 सी.बी.आई./VI-पी-4-2017-1(39)बी/2017 के तहत दी गई सहमति से सिंचाई विभाग, उत्तर प्रदेश सरकार द्वारा कार्यान्वित "गोमती रिवर चैनलाइजेशन प्रोजेक्ट" और "गोमती रिवर फ्रन्ट डेवलपमेन्ट" के कार्यान्वयन में दुराशय से की गई अनियमितताओं के सम्बन्ध में जांच/अन्वेषण के लिये एवं इसके अतिरिक्त इस सम्बन्ध में थाना गोमती नगर, जिला लखनऊ में पंजीकृत भारतीय दंड संहिता (1860 की अधिनियम सं. 45) की धारा 409, 420, 467, 468, 471, 34 एवं भ्रष्टाचार निवारण अधिनियम 1988 की धारा-7 एवं 13 के अन्तर्गत मुकदमा अपराध सं. 831/17 के सम्पूर्ण उत्तर प्रदेश में आगे अन्वेषण करने के लिये दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों एवं क्षेत्राधिकार का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/30/2017-एवीडी.-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 24th November, 2017

S.O. 2746.—In exercise of the powers conferred by sub section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Uttar Pradesh, Home(Police) Section-4 vide Notification No. 04 CBI/VI-P-4-2017-1(39)B/2017 dated 17.07.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Uttar Pradesh for enquiry/investigation into the irregularities committed with a criminal intent in implementation of entire “Gomti River Channelization Project” and “Gomti River Front Development” implemented by the Department of Irrigation, Government of UP. In addition, the Government of the State of U.P. accords consent for further investigation of Case Crime No. 831/2017 under section 409, 420, 467, 468, 471, 34 of the Indian Penal Code, 1860 (Act. No. 45 of 1860) and u/s 7, 13 of PC Act, 1988 registered at P.S. Gomti Nagar, Distt. Lucknow in the regard, under the above mentioned provisions.

[F. No. 228/30/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 24 नवम्बर, 2017

का.आ. 2747.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6, सपठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) अनुभाग-11, लखनऊ की दिनांक 31 जुलाई, 2017 के आदेश संख्या-1611(1)/6-पी-17-288एम/2017 के तहत दी गई सहमति से उत्तर प्रदेश लोक सेवा आयोग द्वारा दिनांक 01.04.2012 से 31.03.2017 के मध्य जिन परीक्षाओं के परिणाम घोषित किये गये उनमें लगे गंभीर आरोपों के संबंध में जांच/अन्वेषण करने के लिये सम्पूर्ण उत्तर प्रदेश में दिल्ली विशेष पुलिस स्थापना के सदस्यों के कार्य क्षेत्र और शक्तियों को एतद्वारा विस्तारित करती है।

[फा. सं. 228/38/2017-एवीडी.-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 24th November, 2017

S.O. 2747.—In exercise of the powers conferred by sub section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act., 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Uttar Pradesh, Home (Police) Section-11, Lucknow vide Notification No. 1611(1)/6-P-17-288M/2017 dated 31.07.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Uttar Pradesh for conducting enquiry/investigation into the serious allegations against the Public Service Commission, Uttar Pradesh, Allahabad in which the examinations whose results were declared between 01.04.2012 to 31.03.2017 will come in scope of enquiry.

[F. No. 228/38/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 30 नवम्बर, 2017

का.आ. 2748.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बिहार राज्य सरकार, गृह विभाग (पुलिस शाखा) की सहमति से दिनांक 30.08.2017 की अधिसूचना सं. 8/सीबीआई-80-02/2017 एचपी-7022/पटना के तहत धोखाधड़ी के अपराध के लिए ए.वी.एन. पब्लिक स्कूल राजीवनगर, पटना के प्रधानाचार्य/प्रबंधन के विरुद्ध उप सचिव (पटना) सीबीएसई द्वारा दायर की गई प्राथमिकी से संबंधित माननीय उच्च न्यायालय, पटना की एल.पी.ए.

सं. 1641,1643,1644 और 1645/2015 में दिनांक 08.02.2017 के आदेश के मद्देनजर भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 420/419/467/468/471/120 (बी)/197/198/406/34 के अधीन राजीव नगर, पटना पुलिस स्टेशन मामला सं. 1501/15, दिनांक 22.06.2015 में अन्वेषण/पर्यवेक्षण तथा जांच करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और न्यायधिकार क्षेत्र का विस्तार सम्पूर्ण बिहार राज्य पर करती है।

[फा. सं. 228/42/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 30th November, 2017

S.O. 2748.—In exercise of the powers conferred by sub section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Bihar, Home Department (Police Branch), vide Notification No.8/C.B.I-80-02/2017 HP-7022/Patna dated 30.08.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Bihar to investigate/supervise and inquire into the Rajiv Nagar, Patna P.S. Case No. 150/15, dated 22.06.2015 u/s 420/419/ 467/468/471/120(B)/197/198/406/34 of the Indian Penal Code, 1860(Act No.45 of 1860), in the light of order dated 08.02.2017 in L.P.A. No.1641,1643,1644 & 1645/2015 of Hon'ble High Court, Patna which is related to F.I.R. lodged by Deputy Secretary (Patna) CBSE against Principal/Management of A.V.N. Public School Rajeev Nagar, Patna for the offence of forgery.

[F. No. 228/42/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 15 नवम्बर, 2017

का.आ. 2749.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 11 की उप-धारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा, सार्वजनिक सूचना के लिए यह अधिसूचित किया जाता है कि केन्द्रीय सरकार ने श्री राजीव कुमार के द्वारा भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड के अंशकालिक गैर-सरकारी निदेशक के पद से दिए गए त्याग-पत्र को 4 सितम्बर, 2017 से स्वीकार कर लिया है।

[फा.सं. 1/10/2016-बीओ-I]

एस. आर. मेहर, उप सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 15th November, 2017

S.O. 2749.— In exercise of the powers conferred by sub-section (6) of section 11 of the Reserve Bank of India Act, 1934 (2 of 1934), it is hereby notified for public information that the Central Government has accepted the resignation tendered by Shri Rajiv Kumar as Part-Time Non Official Director on the Central Board of Reserve Bank of India, with effect from the 4th September, 2017.

[F. No. 1/10/2016-BO-I]

S. R. MEHAR, Dy. Secy.

(व्यय विभाग)

नई दिल्ली, 4 दिसम्बर, 2017

का. आ. 2750.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, भारतीय लेखा परीक्षा और लेखा विभाग में भारत सरकार के निम्नलिखित कार्यालय जिसमें अस्सी प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है, अर्थात्:-

क्षेत्रीय प्रशिक्षण संस्थान, भारतीय लेखा परीक्षा और लेखा विभाग, कोलकाता।

[सं. ए-12034/02/2014-ई. जी.]

ऐनी जॉर्ज मैथ्यू, संयुक्त सचिव

(Department of Expenditure)

New Delhi, the 4th December, 2017

S.O. 2750.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Government of India in the Indian Audit and Accounts Department, in which eighty per cent. of the staff have acquired the working knowledge of Hindi, namely:-

Regional Training Institute, Indian Audit and Accounts Department, Kolkata.

[No. A-12034/02/2014-EG]

ANNIE GEORGE MATHEW, Jt. Secy.

मानव संसाधन विकास मंत्रालय**(उच्चतर शिक्षा विभाग)****(राजभाषा प्रभाग)**

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2751.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (उच्चतर शिक्षा विभाग) के अंतर्गत भारतीय प्रौद्योगिकी संस्थान (काशी हिन्दू विश्वविद्यालय), वाराणसी को ऐसे कार्यालय के रूप में, जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. 11011-3/2016-रा.भा.ए.]

सुखबीर सिंह संधु, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of Higher Education)****(O. L. UNIT)**New Delhi the 27th November, 2017

S.O. 2751.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify the Indian Institute of Technology (Banaras Hindu University), Varanasi under the Ministry of Human Resource Development, (Department of Higher Education) as an office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

[F. No. 11011-3/2016-रा.भा.ए.]

SUKHBIR SINGH SANDHU, Addl. Secy.

विदेश मंत्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 29 नवम्बर, 2017

का.आ. 2752.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केन्द्र सरकार भारत के उच्चायोग, वेलिंग्टन में श्री अमित कुमार शर्मा, निजी सहायक को दिनांक 29 नवम्बर, 2017 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2015]

प्रकाश चन्द, निदेशक (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 29th November, 2017

S.O. 2752.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Amit Kumar Sharma, Personal Assistant as Assistant Consular Officer in the High Commission of India, Wellington to perform the Consular services with effect from 29 November, 2017.

[No. T-4330/01/2015]

PRAKASH CHAND, Director (Consular)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 24 नवम्बर, 2017

का.आ. 2753.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में पेट्रोलियम पदार्थों के परिवहन के लिए "कोयली- अहमदनगर – सोलापुर पेट्रोलियम पाइपलाइन परियोजना के क्रियान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए :

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है, और जिसमें उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है :

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना में युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के संबंध में श्री सी.जी. रावल, नायब कलेक्टर (अवकाश प्राप्त), सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पश्चिमी क्षेत्र पाइपलाइन्स प्रोजेक्ट्स 3/122, गुजरात रिफाइनरी टाउनशीप पी.ओ. – जवाहर नगर, वडोदरा गुजरात – 391320 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : - सोनगढ़	जिला : - तापी		राज्य : - गुजरात		
मौजा/ग्राम	सर्वे/ब्लाक/सं. (प्लोट सं.)	सब-डीव-सं	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
दुमदा	331/नया 371		00	18	16
	330/नया 370		00	04	22
	329/नया 369		00	14	15
	328/नया 368		00	27	06
	332/नया 372		00	05	77

326/नया 366	00	36	57
344/नया 393	00	16	37
343/2 नया 392	00	04	73
337/1 नया 378	00	07	99
333/नया 373	00	09	93
334/नया 374	00	03	33

[फा. सं. आर-11025(11)/104/2017-ओआर-1/ई-8039]

पवन कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GASNew Delhi, the 24th November, 2017

S.O. 2753.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of Petroleum from the State of Gujarat a pipeline should be laid for implementing Koyli – Ahmednagar – Solapur Pipeline Project under Koyli – Ahmendnagar Pipeline by the Indian Oil Corporation ;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is prposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person who is interested in the land described in the said Schedule may submit objection in writing to Shri C.G. Raval, Deputy Collector (Retd.), Competent Authority, Indian Oil Corporation Limited, Western Pipeline Projects 3/122, Gujarat Fefinery Township P.O. – Jawahar Nagar, Vadodara Gujarat-391320, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public.

SCHEDULE

Tehsil :- Songadh	District:- Tapi		State Gujarat		
Mojja/Village	Survey/Block No.	Sub-Div. No.	Area		
			Hectare	Are	Sq.mtr.
(1)	(2)	(3)	(4)	(5)	(6)
Dumda	331/New 371		00	18	16
	330/New 370		00	04	22
	329/New 369		00	14	15
	328/New 368		00	27	06
	332/New 372		00	05	77
	326/New 366		00	36	57
	344/New 393		00	16	37
	343/2 New 392		00	04	73
	337/1 New 378		00	07	99
	333/New 373		00	09	93
	334/New 374		00	03	33

[F. No. R-11025(11)/104/2017-OR-1/E-8039]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2754.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि “पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन” के अंतर्गत पेट्रोलियम पदार्थों के परिवहन हेतु जिला गोपालगंज, राज्य बिहार में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा—प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाए जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री जगदीश प्रसाद सिंह, बि.प्र.से. व सक्षम प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन्स डिवीजन) पटना, पी.एम.बी.पी.एल. नीशी कुंज, बसंत विहार कॉलोनी, बोरिंग रोड, जिला पटना, पिन: 800001, बिहार को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला : गोपालगंज			राज्य : बिहार		
मौजा / ग्राम	सर्वे / ब्लॉक / सं. (प्लॉट सं.)	सब-डीव-सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्गमीटर
1	2	3	4	5	6
टेकेनवास थाना नंबर—362	515		00	12	84
	491		00	00	24
	516		00	01	02
	514		00	01	56
	513		00	02	12
	2617		00	08	58
	2620		00	00	24
	2623		00	07	82
	2621		00	07	40
	2622		00	00	93
	2735		00	01	36
	2734		00	17	62
महम्मदपुर थाना नंबर—310	2729		00	06	64
	2730		00	02	66
	2728		00	04	65
	2726		00	02	86
	2727		00	09	78
पीपरा थाना नंबर —388	320		00	03	84
	321		00	02	01
	312		00	01	64
	176		00	00	96

[फा. सं. आर—11025(11)/196/2017—ओआर—I/ई—9925]

पवन कुमार, अवर सचिव

New Delhi, the 7th December, 2017

S.O. 2754.—Whereas it appears to the Central Government that it is necessary in the public interest that a pipeline should be laid by the Indian Oil Corporation Limited in District Gopalganj in the State of Bihar for “Patna - Motihari - Baitalpur Branch Pipeline” for the transportation of Petroleum Product;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Jagdish Prasad Singh, B.A.S. & Competent Authority, Indian Oil Corporation Limited. (Pipelines Division), PMBPL Nishi Kunj, Basant Bihar Colony, Boring Road, Dist. Patna (Bihar.) Pin – 800001.

SCHEDULE

District : Gopalgunj			State : Bihar		
Mouja / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Teknewas Thana No.-362	515		00	12	84
	491		00	00	24
	516		00	01	02
	514		00	01	56
	513		00	02	12
Mahammadpur Thana No.-310	2617		00	08	58
	2620		00	00	24
	2623		00	07	82
	2621		00	07	40
	2622		00	00	93
	2735		00	01	36
	2734		00	17	62
	2729		00	06	64
	2730		00	02	66
	2728		00	04	65
	2726		00	02	86
	2727		00	09	78
Pipra Thana No.-388	320		00	03	84
	321		00	02	01
	312		00	01	64
	176		00	00	96

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2755.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि “पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन” के अंतर्गत पेट्रोलियम पदार्थों के परिवहन हेतु जिला सारन, राज्य बिहार में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ।

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा—प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाए जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री ललन प्रसाद सिंह, बि.प्र.से. व सक्षम प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन्स डिवीजन) पटना, पी.एम.बी.पी.एल. नीशी कुंज, बसंत विहार कॉलोनी, बोरिंग रोड, जिला पटना, पिन: 800001, बिहार को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला : सारन			राज्य : बिहार		
मौजा / ग्राम	सर्वे / ब्लाक / सं. (प्लोट सं.)	सब-डीव-सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
काजीपूर थाना नंबर : 514	531		00	03	21
	532		00	03	30
	535		00	05	16
	536		00	01	03
	533		00	08	96
	514		00	06	91
	516		00	13	01
	468(रेलवे)		00	10	44
	464(रास्ता)		00	02	67
	32		00	23	38
	421		00	00	39
	417		00	05	11
	416		00	04	77
	60		00	01	06
महाराज गंज थाना नंबर : 308	23		00	02	07
राजमल पिरारी थाना नंबर : 261	427		00	00	20
	425		00	02	49
टेकनिवास थाना नंबर : 263	3179		00	00	20
	3143		00	00	20
समहुता थाना नंबर : 234	4034		00	00	77
	4033		00	00	20
	4031		00	12	43
	3859		00	07	83
	3851		00	24	23
	3852		00	03	01
	3853		00	02	00
	3823		00	04	60
	3822		00	06	28
	3824		00	00	60
	3749		00	02	38
	3748		00	05	77
	3750		00	01	45
	3745		00	00	91
	3744		00	00	24
	3743		00	05	86
कोपा थाना नंबर : 231	583		00	00	66
	580		00	06	06
	579		00	00	42

1	2	3	4	5	6
पीआनो थाना नंबर : 200	2099 2073 2074 2076 2075 2077 2078 1981 1944		00 00 00 00 00 00 00 00 00	50 01 02 00 04 05 05 06 03	25 47 66 24 14 31 87 24 41
	1945		00	00	83
बेलसरा थाना नंबर : 152	814		00	02	13
एनायतपुर थाना नंबर : 156	2031		00	04	41
धाना डीह थाना नंबर : 95	238 236 228		00 00 00	02 03 01	60 00 17
अतारसन थाना नंबर : 6	4802		00	01	27
रसुलपूर थाना नंबर : 99	1011		00	00	20

[फा. सं. आर-11025(11)/196/2017-ओआर-I/ई-9925]

पवन कुमार, अवर सचिव

New Delhi, the 7th December, 2017

S.O. 2755.—Whereas it appears to the Central Government that it is necessary in the public interest that a pipeline should be laid by the Indian Oil Corporation Limited in District Saran in the State of Bihar for “Patna - Motihari - Baitalpur Branch Pipeline” for the transportation of Petroleum Product;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Lalan Prasad Singh, B.A.S. & Competent Authority, Indian Oil Corporation Limited. (Pipelines Division) PMBPL Nishi Kunj, Basant Bihar Colony, Boring Road, Dist. Patna (Bihar.) Pin – 800020.

SCHEDULE

District : Saran			State : Bihar		
Mouja/Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Qazipur Thana No.- 514	531		00	03	21
	532		00	03	30

1	2	3	4	5	6
	535		00	05	16
	536		00	01	03
	533		00	08	96
	514		00	06	91
	516		00	13	01
	468-Railway		00	10	44
	464-Road		00	02	67
	32		00	23	38
	421		00	00	39
	417		00	05	11
	416		00	04	77
	60		00	01	06
Mahrajgunj Thana No.- 308	23		00	02	07
Rajmalpirari Thana No.- 261	427		00	00	20
	425		00	02	49
Teknwas Thana No.- 263	3179		00	00	20
	3143		00	00	20
Samhuta Thana No.- 234	4034		00	00	77
	4033		00	00	20
	4031		00	12	43
	3859		00	07	83
	3851		00	24	23
	3852		00	03	01
	3853		00	02	00
	3823		00	04	60
	3822		00	06	28
	3824		00	00	60
	3749		00	02	38
	3748		00	05	77
	3750		00	01	45
	3745		00	00	91
	3744		00	00	24
	3743		00	05	86
Kopa Thana No.- 231	583		00	00	66
	580		00	06	06
	579		00	00	42
Piano Thana No.- 200	2099		00	50	25
	2073		00	01	47
	2074		00	02	66
	2076		00	00	24
	2075		00	04	14
	2077		00	05	31
	2078		00	05	87
	1981		00	06	24
	1944		00	03	41
	1945		00	00	83

1	2	3	4	5	6
Belsara Thana No.- 152	814		00	02	13
Enaetpur Thana No.- 156	2031		00	04	41
Dhana Dih Thana No.- 95	238 236 228		00 00 00	02 03 01	60 00 17
Atarsan Thana No.- 6	4802		00	01	27
Rasulpur Thana No.- 99	1011		00	00	20

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 14 नवम्बर, 2017

का.आ. 2756.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार परियोजना निदेशक, राष्ट्रीय राजमार्ग प्राधिकरण, चंद्रनगर, पलक्कड व अन्य एवं उनके कर्मचारी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या 50/2013, 51/2013, 52/2013, 53/2013 को प्रकाशित करती है जो केन्द्रीय सरकार को 13.06.2017 को प्राप्त हुए थे।

[सं. एल-42025/03/2017-आईआर (डीयू),

एल-42025/03/2017-आईआर (डीयू),

एल-42025/03/2017-आईआर (डीयू),

एल-42025/03/2017-आईआर (डीयू)]

राजेन्द्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 14th November, 2017

S.O. 2756.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 50/2013, 51/2013, 52/2013, 53/2013) of the Central Government Industrial Tribunal cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial dispute between the employers in relation to the Project Director, National Highway Authority of India, Chandranagar, Palakkad and others and their workman, which were received by the Central Government on 13.06.2017.

[No. L-42025/03/2017-IR (DU),

No. L-42025/03/2017-IR (DU),

No. L-42025/03/2017-IR (DU),

No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri.K Sasidharan, B.Sc., LLB, Presiding Officer

(Thursday the 25th day of May, 2017/04th Jyaistha, 1939)

ID 50/2013

- | | |
|------------------------|---|
| Workman/Applicant | : Shri N. Ramana Reddy,
S/o Shri Venkata Reddy,
Balayappalli, Ganganapalli Post 516 217,
Kasinayana Mandal, Kadappa District,
Andhra Pradesh.
By Adv. Shri Ashok. B. Shenoy |
| Managements | : 1. The Project Director,
National Highway Authority of India,
Project Office, NHAI, Chandranagar,
Palakkad – 678 007.

By Adv. Shri. Thomas Antony |
| Additional Managements | : 2. The Chief Project Manager,
KMC Constructions Limited, NH 47 Project,
Behind Appollo Tyres, Perambra Post,
Thrissur – 680 689.

3. M/s.Guruvayoor Infrastructures Private Limited,
Registered Office,
Door No.1-80/40/SP/58-65,
Shilpa Homes Layout Gachibowli,
Hyderabad – 500 032,
Andhra Pradesh.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.111/2014)

4. M/s.Thrissur Expressway Ltd.,
NH 47 Project,
Perambra P.O.,
Thrissur District – 680 689.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.4/2016)
By M/s. Jomy George & Associates
(for Management No.2 and Addl. Management Nos. 3 & 4) |

This case coming up for final hearing on 25.05.2017 and this Tribunal-cum-Labour Court on the same day passed the following:

AWARD

This is an application filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947.

2. Matter was taken up for consideration in the Lok Adalath today. Matter settled between the workman on the one hand and the management Nos. (1) & (2) on the other. Joint statement filed and compromise recorded.
3. Hence an award is passed in accordance with the terms and conditions in the joint statement. The joint statement shall form part of the award.
4. The second management is directed to produce before this Tribunal a banker's cheque for the sum of ₹1,50,000/- (Rupees One lakh and fifty thousand only) in the name of the workman – Shri. N. Ramana Reddy, in full and final settlement of the claims as per this ID. The cheque shall be produced within one month from the date of receipt of the copy of the Award, failing which the workman is at liberty to execute the award in accordance with law.
5. On production of the cheque as aforesaid, it shall be handed over to the workman after obtaining proper acknowledgement.
6. Office is directed to hand over copy of the award to the parties as per Rule.

The Award will come into force one month after its publication in the Official Gazette.

Pronounced by me in the Open Court on this the 25th day of May, 2017.

K. SASIDHARAN, Presiding Officer

APPENDIX - NIL

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

ID NO. 50/2013

Shri, N. Ramana Reddy,
S/o Venkata Reddy,
Balayappalli, Ganganapalli, Post,
516 217, Kasinayana Mandal,
Kadappa District,
Andhra Pradesh.

...Workman

Vs.

1. The Project Director,
National Highway Authority of India,
Project Office, NHAI,
Chandranagar,
Palakkad – 678 007.

2. The Chief Project Manager,
KMC Constructions Limited,
NH 47 Project, Behind Apollo Tyres,
Perambra Post,
Thrissur-680 689

...Managements

The matter was taken up in Lok Adalat between the workman and the 1st and 2nd Managements, the parties agreed to settle the dispute on the following terms :—

- 1) The second management hereby agreed to pay a sum, of Rs. 1,50,000/- (Rupees One lakh fifty thousand only), to the workman in full and final settlement of all the claims in Id 50/2013 between the workman and the Managements.
- 2) Upon receiving the said amount, the workman in Id 50/2013 will not have any further monetary claim or claim for employment against the Managements in connection with his employment under the Managements in relation to the matter in dispute in this case.
- 3) A Banker's cheque for Rs. 1,50,000/- (Rupees One lakh fifty thousand only) favouring Shri. N. Ramana Reddy drawn on Axis Bank will be produced by the second management before this Tribunal within 45 days (Forty five days) and it shall be handed over to the workman towards full and final settlement of all claims of the workman in I.D. No. 50/2013.

Dated this the 4th day of May, 2017.

Workman : Sd/-

IInd Management : Sd/-

Counsel for Workman : Sd/-

Counsel for Management : Sd/-

Sd/-

Mediator

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.K Sasidharan, B.Sc., LLB, Presiding Officer

(Thursday the 25th day of May, 2017/04th Jyaistha, 1939)**ID 51/2013**

- Workman/Applicant : Shri D. Ramesh Reddy,
S/o Shri Easwar Reddy,
House No.10/486-1, Vasavi Nagar (Raju Mill),
Railway Kodur, Kadappa District – 516 201,
Andhra Pradesh.
By Adv. Shri Ashok. B. Shenoy
- Managements : 1. The Project Director,
National Highway Authority of India,
Project Office, NHAI, Chandranagar,
Palakkad – 678 007.

By Adv. Shri. Thomas Antony
2. The Chief Project Manager,
KMC Constructions Limited, NH 47 Project,
Behind Appollo Tyres, Perambra Post,
Thrissur – 680 689.
- Additional Managements : 3. M/s. Guruvayoor Infrastructures Private Limited,
Registered Office,
Door No.1-80/40/SP/58-65,
Shilpa Homes Layout Gachibowli,
Hyderabad – 500 032,
Andhra Pradesh.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.111/2014)
4. M/s. Thrissur Expressway Ltd.,
NH 47 Project,
Perambra P.O.,
Thrissur District – 680 689.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.4/2016)
- By M/s. Jomy George & Associates
(for Management No. 2 and Addl. Management Nos. 3& 4)

This case coming up for final hearing on 25.05.2017 and this Tribunal-cum-Labour Court on the same day passed the following:

AWARD

This is an application filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947.

2. Matter was taken up for consideration in the Lok Adalath today. Matter settled between the workman on the one hand and the management Nos. (1) & (2) on the other. Joint statement filed and compromise recorded.
3. Hence an award is passed in accordance with the terms and conditions in the joint statement. The joint statement shall form part of the award.
4. The second management is directed to produce before this Tribunal a banker's cheque for the sum of ₹47,000/- (Rupees Forty seven thousand only) in the name of the workman – Shri. D. Ramesh Reddy, in full and final settlement of the claims as per this ID. The cheque shall be produced within one month from the date of receipt of the copy of the Award, failing which the workman is at liberty to execute the award in accordance with law.

5. On production of the cheque as aforesaid, it shall be handed over to the workman after obtaining proper acknowledgement.
6. Office is directed to hand over copy of the award to the parties as per Rule.
The Award will come into force one month after its publication in the Official Gazette.
Pronounced by me in the Open Court on this the 25th day of May, 2017.

K. SASIDHARAN, Presiding Officer

APPENDIX - NIL

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

ID NO. 51/2013

Shri, D. Ramesh Reddy,
S/o Easwar Reddy,
Hose No. 10/486-1, Vasavi Nagar,
(Raju (Mill), Railway Kodur
Kadappa District,
Andhra Pradesh.

...Workman

Vs.

1. The Project Director,
National Highway Authority of India,
Project Office, NHAI,
Chandranagar,
Palakkad – 678 007.
2. The Chief Project Manager,
KMC Constructions Limited,
NH 47 Project, Behind Apollo Tyres,
Perambra Post,
Thrissur-680 689

...Managements

The matter was taken up in Lok Adalat between the workman and the 1st and 2nd Managements, the parties agreed to settle the dispute on the following terms :—

- 1) The second management hereby agreed to pay a sum, of Rs. 47,000/- (Rupees Forty seven thousand only), to the workman in full and final settlement of all the claims in Id 51/2013 between the workman and the Managements.
- 2) Upon receiving the said amount, the workman in Id 51/2013 will not have any further monetary claim or claim for employment against the Managements in connection with his employment under the Managements in relation to the matter in dispute in this case.
- 3) A Banker's cheque for Rs. 47,000/- (Rupees Forty seven thousand only) favouring Shri. D. Ramesh Reddy drawn on Axis Bank will be produced by the second management before this Tribunal within 45 days (Forty five days) and it shall be handed over to the workman towards full and final settlement of all claims of the workman in I.D. No. 51/2013.

Dated this the 4th day of May, 2017.

Workman : Sd/-

IInd Management : Sd/-

Counsel for Workman : Sd/-

Counsel for Management : Sd/-

Sd/-

Mediator

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.K Sasidharan, B.Sc., LLB, Presiding Officer

(Thursday the 25th day of May, 2017/04th Jyaistha, 1939)**ID 52/2013**

Workman/Applicant : Shri Ganesh Kundo,
S/o Shri Bhart Kundu,
Bijaya Lakshmi Narayanpur, Nuvakada (Via),
Ganjam District – 761 011,
Odissa.

By Adv. Shri Ashok. B. Shenoy

Managements : 1. The Project Director,
National Highway Authority of India,
Project Office, NHAI, Chandranagar,
Palakkad – 678 007.

By Adv. Shri. Thomas Antony

2. The Chief Project Manager,
KMC Constructions Limited, NH 47 Project,
Behind Appollo Tyres, Perambra Post,
Thrissur – 680 689.

Additional Managements : 3. M/s. Guruvayoor Infrastructures Private Limited,
Registered Office,
Door No.1-80/40/SP/58-65,
Shilpa Homes Layout Gachibowli,
Hyderabad – 500 032,
Andhra Pradesh.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.111/2014)

4. M/s.Thrissur Expressway Ltd.,
NH 47 Project,
Perambra P.O.,
Thrissur District – 680 689.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.4/2016)

By M/s.Jomy George & Associates

(for Management No.2 and Addl.Management Nos. 3 & 4)

This case coming up for final hearing on 25.05.2017 and this Tribunal-cum-Labour Court on the same day passed the following:

AWARD

This is an application filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947.

2. Matter was taken up for consideration in the Lok Adalath today. Matter settled between the workman on the one hand and the management Nos.(1) & (2) on the other. Joint statement filed and compromise recorded.

3. Hence an award is passed in accordance with the terms and conditions in the joint statement. The joint statement shall form part of the award.
4. The second management is directed to produce before this Tribunal a banker's cheque for the sum of ₹25,000/- (Rupees Twenty five thousand only) in the name of the workman – Shri. Ganesh Kundo, in full and final settlement of the claims as per this ID. The cheque shall be produced within one month from the date of receipt of the copy of the Award, failing which the workman is at liberty to execute the award in accordance with law.
5. On production of the cheque as aforesaid, it shall be handed over to the workman after obtaining proper acknowledgement.
6. Office is directed to hand over copy of the award to the parties as per Rule.
The Award will come into force one month after its publication in the Official Gazette.
Pronounced by me in the Open Court on this the 25th day of May, 2017.

K. SASIDHARAN, Presiding Officer

APPENDIX - NIL

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

ID NO. 52/2013

Shri, Ganesh Kundo,,
S/o Bhart Kundo,
Bijaya Lakshmi Narayanpur,
Nuvakada (Via),
Ganjam Direct- 761 011
Odissa

...Workman

Vs.

1. The Project Director,
National Highway Authority of India,
Project Office, NHAI,
Chandranagar,
Palakkad – 678 007.
2. The Chief Project Manager,
KMC Constructions Limited,
NH 47 Project, Behind Apollo Tyres,
Perambra Post,
Thrissur-680 689

...Managements

The matter was taken up in Lok Adalat between the workman and the 1st and 2nd Managements, the parties agreed to settle the dispute on the following terms :—

- 1) The second management hereby agreed to pay a sum, of Rs. 25,000/- (Rupees Twenty five thousand only), to the workman in full and final settlement of all the claims in Id 52/2013 between the workman and the Managements.
- 2) Upon receiving the said amount, the workman in Id 52/2013 will not have any further monetary claim or claim for employment against the Managements in connection with his employment under the Managements in relation to the matter in dispute in this case.
- 3) A Banker's cheque for Rs. 25,000/- (Rupees Twenty five thousand only) favouring Shri.Ganesh Kundo drawn on Axis Bank will be produced by the second management before this Tribunal within 45 days (Forty five days) and it shall be handed over to the workman towards full and final settlement of all claims of the workman in I.D. No. 52/2013.

Dated this the 4th day of May, 2017.

Workman : Sd/-

Ind Management : Sd/-

Counsel for Workman : Sd/-

Counsel for Management : Sd/-

Sd/-

Mediator

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.K Sasidharan, B.Sc., LLB, Presiding Officer

(Thursday the 25th day of May, 2017/04th Jyaistha, 1939)**ID 53/2013**

Workman/Applicant : Shri S. K. Jilani,
S/o Shri S. K. Raheem,
House No.5-1-235, Sivanagar,
Bedwel Post Mandalam, Kadappa District – 516 227,
Andhra Pradesh.

By Adv. Shri Ashok. B. Shenoy

Managements : 1. The Project Director,
National Highway Authority of India,
Project Office, NHAI, Chandranagar,
Palakkad – 678 007.

By Adv. Shri. Thomas Antony

2. The Chief Project Manager,
KMC Constructions Limited, NH 47 Project,
Behind Appollo Tyres, Perambra Post,
Thrissur – 680 689.

Additional Managements : 3. M/s.Guruvayoor Infrastructures Private Limited,
Registered Office,
Door No.1-80/40/SP/58-65,
Shilpa Homes Layout Gachibowli,
Hyderabad – 500 032,
Andhra Pradesh.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.111/2014)

4. M/s. Thrissur Expressway Ltd.,
NH 47 Project,

Perambra P.O.,
Thrissur District – 680 689.
(Impleaded as Additional Management vide Order
dated 11.05.2016 in IA No.4/2016)

By M/s. Jomy George & Associates

(for Management No.2 and Addl.Management Nos. 3 & 4)

This case coming up for final hearing on 25.05.2017 and this Tribunal-cum-Labour Court on the same day passed the following:

AWARD

This is an application filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947.

2. Matter was taken up for consideration in the Lok Adalath today. Matter settled between the workman on the one hand and the management Nos.(1) & (2) on the other. Joint statement filed and compromise recorded.

3. Hence an award is passed in accordance with the terms and conditions in the joint statement. The joint statement shall form part of the award.

4. The second management is directed to produce before this Tribunal a banker's cheque for the sum of ₹70,000/- (Rupees Seventy thousand only) in the name of the workman – Shri. S. K. Jilani, in full and final settlement of the claims as per this ID. The cheque shall be produced within one month from the date of receipt of the copy of the Award, failing which the workman is at liberty to execute the award in accordance with law.

5. On production of the banker's cheque as aforesaid, it shall be handed over to the workman after obtaining proper acknowledgement.

6. Office is directed to hand over copy of the award to the parties as per Rule.

The Award will come into force one month after its publication in the Official Gazette.

Pronounced by me in the Open Court on this the 25th day of May, 2017.

K. SASIDHARAN, Presiding Officer

APPENDIX - NIL

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM
ID NO. 53/2013**

Shri, S.K. Jilani,
S/o S. K. Raheem,
House No. 5-1-235, Shivanagar,
Bedwel Post Mandalam,
Kadappa District-516 227
Andhra Pradesh.

...Workman

Vs.

1. The Project Director,
National Highway Authority of India,
Project Office, NHAI,
Chandranagar,
Palakkad – 678 007.

2. The Chief Project Manager,
KMC Constructions Limited,
NH 47 Project, Behind Apollo Tyres,
Perambra Post,
Thrissur-680 689

...Managements

The matter was taken up in Lok Adalat between the workman and the 1st and 2nd Managements, the parties agreed to settle the dispute on the following terms :—

- 1) The second management hereby agreed to pay a sum, of Rs. 70,000/- (Rupees Seventy thousand only), to the workman in full and final settlement of all the claims in Id 53/2013 between the workman and the Managements.
- 2) Upon receiving the said amount, the workman in Id 53/2013 will not have any further monetary claim or claim for employment against the Managements in connection with his employment under the Managements in relation to the matter in dispute in this case.
- 3) A Banker's cheque for Rs. 70,000/- (Rupees Seventy thousand only) favouring Shri. N. Ramana Reddy drawn on Axis Bank will be produced by the second management before this Tribunal within 45 days (Forty five days) and it shall be handed over to the workman towards full and final settlement of all claims of the workman in I.D. No. 53/2013.

Dated this the 4th day of May, 2017.

Workman : Sd/-

IInd Management : Sd/-

Counsel for Workman : Sd/-

Counsel for Management : Sd/-

Sd/-

Mediator

नई दिल्ली, 30 नवम्बर, 2017

का.आ. 2757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जयपुर नागौर आंचलिक ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 76/1990) को प्रकाशित करती है जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुए थे।

[सं. एल-12012/192/90-आईआर(बी-1)]

बी. एस. बिश्ट, अनुभाग अधिकारी

New Delhi, the 30th November, 2017

S.O. 2757.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 76/1990) of the Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the management of Jaipur Nagaur Anchalic Gramin Bank and their workmen, by the Central Government on 30.11.2017.

[No. L-12012/192/90-IR(B-1)]

B. S. BISHT, Section Officer

अनुबंध

औद्योगिक न्यायाधिकरण, जयपुर।

केस नंबर सी.आई.टी. 76/1990,

सी.आई.एस. सं. 27/14,

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश

एल-12012/192/90- आई.आर.(बी.-3) दिनांक 08.11.1990.

श्री अशोक कुमार मार्फत महामंत्री, ग्रामीण बैंक एम्पलॉयज यूनियन, आचार्यों की हवेली, किशनपोल बाजार, जयपुर।

...प्रार्थी श्रमिक

बनाम

अध्यक्ष, जयपुर नागौर आंचलिक ग्रामीण बैंक, 56, सरदार पटेल मार्ग, सी-स्कीम, जयपुर।

...अप्रार्थी

पीठासीन अधिकारी : गिरीश कुमार शर्मा, आर.एच.जे.एस.

उपस्थित :

प्रार्थी की ओर से : विद्वान प्रतिनिधि श्री आर. सी. जैन,

अप्रार्थी की ओर से : विद्वान प्रतिनिधि श्री प्रमोद शांडिल्य ।

दिनांक 11.04.2017

अधिनिर्णय

केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली से उपरोक्त आदेश के जरिये निम्न अनुसूची का विवाद अधिनिर्णय हेतु इस अधिकरण को दिनांक 23.11.1990 को प्राप्त हुआ है।

"Whether Shri Ashok Kumar Singh, Driver, was the workman of Jaipur Nagaur Anchalic Gramin Bank? If so, Whether the action of the bank management in terminating his service w.e.f.18-12-89 is just and legal? If not, to what relief, the workman is entitled to? "

प्रकरण दर्ज रजिस्टर किया जाकर उभय पक्षकारान को नोटिस जारी किए गए। प्रार्थी की ओर से दिनांक 19.3.1991 को स्टेटमेंट ऑफ क्लेम पेश कर अभिकथन किया गया कि प्रार्थी श्रमिक की प्रथम नियुक्ति विपक्षी संस्थान में दिनांक 11.8.1984 को ड्राइवर के रूप में दैनिक वेतन पर हुई थी। प्रार्थी श्रमिक को दिनांक 31.5.1985 को सेवामुक्त कर एक नये ड्राइवर को नियुक्त कर लिया गया। उसके बाद प्रार्थी को पुनः दिनांक 11.11.1988 को चालाक के रूप में नियुक्त किया गया, जहां प्रार्थी ने दिनांक 17.12.1989 तक निरन्तर कार्य किया। प्रार्थी श्रमिक को विपक्षी द्वारा अकारण ही दिनांक 18.12.1989 को सेवामुक्त कर दिया, जिसका कोई आदेश भी जारी नहीं किया गया। प्रार्थी को सेवामुक्त करने से पूर्व कोई नोटिस, नोटिस वेतन, छंटनी मुआवजा नहीं दिया गया। विपक्षी द्वारा औद्योगिक विवाद अधिनियम की धारा-25जी. व -25एच. का उल्लंघन किया है तथा राजस्थान औद्योगिक विवाद अधिनियम-1958 के नियम-77 व 78 की पालना नहीं की गयी। प्रार्थी श्रमिक समान कार्य समान वेतन के सिद्धांतके अनुसार नियुक्ति तिथि से मैसेन्जर/चतुर्थ श्रेणी कर्मचारी की नियमित वेतन शृंखला में वेतन व भत्ते प्राप्त करने का अधिकारी था परन्तु श्रमिक को केवल दैनिक वेतन का भुगतान किया गया, जो अनफेयर लेबर प्रैक्टिस है। अन्त में प्रार्थी श्रमिक को निरन्तर सेवा में मानते हुए पुनः सेवा में लिये जाने व समस्त आर्थिक व अन्य लाभ मय हर्जा खर्चा दिलाये जाने की प्रार्थना की हैं।

विपक्षी बैंक द्वारा स्टेटमेंट ऑफ क्लेम का दिनांक 11.7.1991 को जवाब प्रस्तुत कर प्रार्थी श्रमिक को दिनांक 11.8.1984 को ड्राइवर के पद पर रखे जाने, दिनांक 31.5.1985 को उसे सेवामुक्त किए जाने तथा दिनांक 11.11.1988 को उसे पुनः ड्राइवर के रूप में रखे जाने तथा दिनांक 17.12.1989 तक कार्य करने के कथन से इन्कार किया है। विपक्षी का कथन है कि प्रार्थी श्रमिक विपक्षी बैंक में बतौर ड्राइवर कभी भी सेवा में नहीं रहा है, तो उसे सेवा से पृथक करने, औद्योगिक विवाद अधिनियम की धारा-25 जी., 25एच. का उल्लंघन करने तथा नियम -77 व 78 की पालना नहीं करने का प्रश्न ही नहीं उठता है। विपक्षी बैंक द्वारा प्रार्थी श्रमिक को कभी किसी प्रकार की नियुक्ति नहीं दी गयी और न ही उसे सेवामुक्त किया गया। विपक्षी का कथन है कि विपक्षी बैंक के परिपत्र दिनांक 3.08.1986 के अनुसार बैंक के अधिकारियों को वाहन सुविधा का उपभोग करने हेतु वाहन का संचालन स्वयं करने तथा विशिष्ट परिस्थितियों में वाहन स्वयं न चलाकर अपनी निजी हैसियत से ड्राइवर नियुक्त कर सकता है, जिसका शैडयूल के तहत अधिकतम राशि का उक्त अधिकारी को पुनर्भरण किया जावेगा। जिसके अनुसार विपक्षी बैंक के अध्यक्ष द्वारा निजी हैसियत से प्रार्थी श्रमिक को वाहन चलाने के लिए रखा गया था जिसको भुगतान भी बैंक अध्यक्ष द्वारा अपनी हैसियत से दिया जाता था। प्रार्थी श्रमिक कभी बैंक का कर्मचारी नहीं रहा और न ही प्रार्थी द्वारा कभी बैंक कर्मचारियों के हाजिरी रजिस्टर में हस्ताक्षर किए गए और विपक्षी बैंक द्वारा प्रार्थी का स्टेटमेंट ऑफ क्लेम मय खर्चा खारिज किए जाने की प्रार्थना की हैं।

प्रार्थी यूनियन की ओर से अपने स्टेटमेंट ऑफ क्लेम के समर्थन में प्रार्थी श्रमिक स्वयं अशोक कुमार सिंह को परीक्षित करवाया है तथा विपक्षी की ओर से श्री बाबूलाल मीणा एवं श्री ओमप्रकाश को परीक्षित करवाया है तथा प्रलेखीय साक्ष्य में विपक्षी की ओर से परिशिष्ट आर-1 व आर-2 पेश हुए हैं।

मैंने उभय पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी एवं अभिलेख का परिशीलन किया। प्रार्थी के विद्वान प्रतिनिधि ने बहस की कि प्रार्थी श्रमिक ने विपक्षी बैंक में ड्राइवर के रूप में दिनांक 11.11.1984 से दिनांक 17.12.1989 तक निरन्तर कार्य किया है। उसके पश्चात उसे दिनांक 18.12.1989 को सेवा से पर्यावसान कर दिया गया तथा अप्रार्थी की ओर से जवाब में यह अभिकथन किया गया है कि बैंक के अध्यक्ष के द्वारा प्रार्थी को निजी ड्राइवर के रूप में रखा था, जिसका बैंक द्वारा बैंक के अध्यक्ष को उसका वेतन रिम्बर्समेंट किया जाता था तथा अप्रार्थी बैंक की जो साक्ष्य आई है उसमें दोनों गवाहान के कथनों में परस्पर विरोधाभाष है तथा जिनकी साक्ष्य अभिवचनों के विपरीत है तथा अप्रार्थी की बैंक यूको बैंक द्वारा प्रायोजित बैंक थी जिसके दो परिपत्र दिनांक 30.8.1986 व दिनांक 6.8.1989 पेश किए गए हैं। दिनांक 6.1.1989 के परिपत्र में स्पष्ट रूप से प्रावधान है कि वेतन बैंक द्वारा दिया जायेगा तथा दिनांक 30.8.1986 के परिपत्र के संबंध में भी माननीय राजस्थान उच्च न्यायालय की खण्डपीठ के निर्णय में ड्राइवर को बैंक द्वारा दिए गए वेतन व दी गई अन्य सुविधाओं को देखते हुए बैंक का ही ड्राइवर होना माना है तथा अप्रार्थी की कोई ऐसी भी साक्ष्य नहीं है कि प्रार्थी सेवामुक्ति के बाद कोई लाभप्रद नियोजन में रहा हो। अतः प्रार्थी को

बहाल किया जावे और उसे बकाया वेतन आदि लाभ दिलाये जावें। प्रार्थी के विद्वान प्रतिनिधि ने न्यायाधिकरण का ध्यान न्यायिक विनिश्चय—संभागीय प्रबन्धक, यूको बैंक बनाम रतनसिंह भाटी व अन्य—2006[iii] L L J.650 की ओर आकृष्ट किया है।

इसके प्रतिकार में विपक्षी बैंक के प्रतिनिधि ने बहस की कि प्रार्थी को बैंक द्वारा कभी भी नियोजित नहीं किया गया था तथा अप्रार्थी बैंक में चयरमैन यूको बैंक से प्रतिनियुक्ति पर आये थे, जिन्होंने प्रार्थी को निजी चालक के रूप में रखा है तथा यूको बैंक में यह प्रावधान था कि चेरमैन जो निजी ड्राईवर रखता है, जिससे बैंक का काम लेता है, उसे रिम्बर्समेंट दिया जाता था तथा प्रार्थी को अप्रार्थी बैंक ने कभी भी नहीं रखा तथा जो परिपत्र है, वह यूको बैंक से संबंधित है, इसलिए प्रार्थी और अप्रार्थी बैंक का कर्मकार व नियोक्ता का सम्बन्ध भी नहीं रहा है।

मैंने उभय पक्ष की बहस पर मनन किया और माननीय राजस्थान उच्च न्यायालय के उपरोक्त न्यायिक विनिश्चय का सम्मानपूर्वक परिशीलन किया।

अब न्यायाधिकरण के समक्ष अवधारणीय बिन्दु यह है कि क्या प्रार्थी श्री अशोक कुमार सिंह विपक्षी बैंक का कर्मकार था? अब इस संबंध में प्रार्थी साक्षी कर्मकार अशोक कुमार सिंह की साक्ष्य का परिशीलन करें तो उसने अपनी मुख्य परीक्षा शपथपत्र पर प्रस्तुत की है, जिसने अपनी साक्ष्य में बताया है कि उसने विपक्षी बैंक में दिनांक 11.8.1984 से दिनांक 31.5.1985 तक निरन्तर ड्राईवर के रूप में कार्य किया था तथा उसके पश्चात पुनः दिनांक 11.11.1988 से दिनांक 18.12.1989 तक ड्राईवर के रूप में कार्य किया तथा उसने विपक्षी बैंक में उपलब्ध सभी गाड़ियां चलाई थी तथा उसको दिनांक 18.12.1989 को अवैध रूप से सेवामुक्त किया गया है तथा उसको सेवामुक्त करने के पश्चात विपक्षी बैंक ने नये ड्राईवरों को नियुक्ति दी है। जिरह में इस गवाह ने बताया है कि दिनांक 11.11.1988 को उसे नियुक्तिपत्र नहीं दिया था, जिरह में इस गवाह ने बताया है कि बैंक में हाजिरी रजिस्टर होता है। उसने हाजिरी रजिस्टर में कभी हाजिरी नहीं की थी तथा चेरमैन एफ. एम. बाठिया थे। उसके बाद के. के. खन्ना आये थे। बाठिया के समय में उसे 425/— रुपये प्रतिमाह वेतन मिलता था जो 1150/— रुपये प्रतिमाह तक पहुंचा था। उसके बाद खन्ना लगे थे, उनके समय में 1250 रुपये माहवार से शुरू होकर उसको 1800/— रुपये प्रतिमाह तक दिया गया था। जिरह में इस गवाह ने बताया है कि चेरमैन यह पैसा उसे चैक द्वारा देते थे तथा चैक पर उन्हीं के दस्तखत होते थे तथा खाता चेरमैन का हो तो पता नहीं है। जिरह में आगे इस गवाह ने बताया है कि चैक पर पहले बाठिया के हस्ताक्षर होते थे तथा बाद में खन्ना के हस्ताक्षर होते थे तथा चेरमैन की गाड़ी घर के उपयोग में भी इस्तेमाल करते थे और बैंक के उपयोग में भी लेते थे। जिरह में इस गवाह ने इस सुझाव से इन्कार किया है कि बैंक ने उसे कभी नियुक्त नहीं किया हो और चेरमैन के द्वारा उसे निजी तौर पर नियुक्त किया गया हो।

अप्रार्थी साक्षी बाबूलाल ने अपनी साक्ष्य में बताया है कि प्रार्थी को कभी भी बैंक सेवा में नहीं लिया और न ही हटाया था तथा वर्ष 1984—85 में प्रार्थी इस बैंक के तत्कालीन अध्यक्ष एफ. एम. बाठिया के निजी ड्राईवर के रूप में कार्यरत था तथा बाठिया अध्यक्ष के जाने के बाद ड्राईवर को पुनर्भरण का भुगतान नहीं किया गया। इसी प्रकार वर्ष 1988—89 में बैंक के तत्कालीन अध्यक्ष के. के. खन्ना थे। उनको भी इसी प्रकार पुनर्भरण किया जाता था तथा विपक्षी बैंक के प्रायोजित यूको बैंक द्वारा जारी परिपत्र दिनांक 30.8.1986 द्वारा अधिकारियों को बैंक की कार दिये जाने व उनके उपयोग उपभोग के विषय में निर्देश दिये हुए हैं। इन प्रावधानों के तहत कोई अधिकारी अपने वाहन का संचालन स्वयं करेगा तथा विशिष्ट परिस्थितियों में यदि वह चाहे तो स्वयं नहीं चलाकर अपनी निजी हैसियत में कोई ड्राईवर नियुक्त कर सकता है। ऐसे अधिकारियों द्वारा स्वयं द्वारा ड्राईवर को वेतन दिया जायेगा, लेकिन बैंक नियमों के तहत दिये गये शिड्यूल के तहत अधिकतम राशि उक्त अधिकारी को पुनर्भरण बैंक करेगी और इसी प्रकार तत्कालीन अध्यक्ष द्वारा कार को चलाने के लिए निजी हैसियत में प्रार्थी को ड्राईवर रखा था तथा जिरह में इस गवाह ने बताया है कि दिनांक 30.8.1986 का परिपत्र चेरमैन ने लागू किया था, जो यूको बैंक का था, अप्रार्थी बैंक का नहीं था।

अप्रार्थी साक्षी ओम प्रकाश ने भी अपनी मुख्य परीक्षा अप्रार्थी साक्षी बाबूलाल के कथनों को दोहराया है तथा इस गवाह की साक्ष्य का सार यही है कि प्रार्थी चेयरमैन की व्यक्तिगत कार चलाता था तथा बैंक द्वारा प्रार्थी को नियुक्त नहीं किया गया था तथा चेयरमैन ड्राइवर को जो पैसे देता था उसको बैंक से रिम्बर्समेंट में लेता था।

इस प्रकार उभय पक्ष की जो साक्ष्य आई है उससे प्रार्थी का नियोजन अप्रार्थी बैंक द्वारा किया गया हो, ऐसी लेशमात्र भी साक्ष्य अभिलेख पर नहीं आई है तथा जो परिपत्र है वह यूको बैंक के हैं तथा प्रार्थी को विपक्षी बैंक ने कभी नियोजन में रखा हो और उसे बाद में सेवामुक्त किया हो, ऐसा भी कोई आदेश अभिलेख पर पेश नहीं है तथा जो साक्ष्य आयी है, उसका सार यही है कि प्रार्थी को चेयरमैन के द्वारा निजी रूप में रखा गया था तथा चेयरमैन को बैंक के द्वारा यह सुविधा दी गई थी, जिसका वह रिम्बर्समेंट यूको बैंक से परिपत्र द्वारा उठाता था तथा प्रार्थी को बैंक ने कोई अन्य सुविधा दी हो तथा बैंक से बतौर कर्मचारी वेतन उठाता हो, ऐसी प्रार्थी की कोई साक्ष्य नहीं है बल्कि उसको उसकी साक्ष्य से यही स्पष्ट है कि उसकी बैंक के हाजिर रजिस्टर में हाजिरी नहीं होती थी तथा प्रार्थी के विद्वान प्रतिनिधि ने जो न्यायिक विनिश्चय पेश किया है उस मामले के तथ्य में चालक को बैंक द्वारा यूनिफॉर्म, जूते, वाशिंग भत्ता आदि बैंक के स्टाफ की तरह भुगतान किये जाते थे, जबकि हस्तगत मामले में ऐसी कोई भी तथ्य एवं परिस्थिति प्रार्थी की साक्ष्य में नहीं आयी है। अतः जब प्रार्थी का अप्रार्थी बैंक में नियोजन ही नहीं था तो दिनांक 18.12.1989 को सेवा से पर्यावसान का आदेश दिया गया हो, ऐसी कोई स्थिति हस्तगत मामले में नहीं पायी जाती है। अतः सेवा पर्यावसान निजी चालक को चेयरमैन द्वारा दिया गया है तो इसका तात्पर्य यह नहीं है कि बैंक द्वारा उसकी सेवा का पर्यावसान किया गया है। इसलिए प्रार्थी का स्टेटमेंट ऑफ क्लेम अस्वीकार किये जाने योग्य है। क्योंकि प्रार्थी जब बैंक प्रबन्धन का कर्मकार ही नहीं था तो उसकी सेवा पर्यावसान की विधि सम्मतता और न्यायोचितता का प्रश्न ही नहीं उठता। अतः इस रेफरेन्स का उत्तर नकारात्मक देते हुए निम्न प्रकार अधिनिर्णय पारित किया जाता है:-

अधिनिर्णय

अतः श्री अशोक कुमार सिंह चालक, जयपुर नागौर आंचलिक ग्रामीण बैंक का कर्मकार नहीं था, इसलिए उसको विपक्षी प्रबन्ध द्वारा दिनांक 18.12.1989 को सेवा से पर्यावसान करने का प्रश्न ही नहीं उठता है तथा प्रार्थी श्रमिक कोई अनुतोष पाने का हकदार नहीं है। मामले के तथ्य व परिस्थिति में पक्षकारान खर्चा अपना-अपना स्वयं वहन करेंगे।

गिरीश कुमार शर्मा, न्यायाधीश

नई दिल्ली, 30 नवम्बर, 2017

का.आ. 2758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 09/1997) को प्रकाशित करती है जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/213/95-आईआर(बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 30th November, 2017

S.O. 2758.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 09/1997) of the Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 30.11.2017.

[No. L-42012/213/95-IR(B-1)]

B. S. BISHT, Section Officer

अनुबंध**न्यायाधीश, केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर****केस नं. सी.आई.टी. 09/1997**

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क. एल.-42012/213 /95-आई.आर.(बी.1) दि. 07.02.1997
अमरीक सिंह बग्गा मार्फत पश्चिम रेलवे कर्मचारी परिषद्, अजमेर। ...प्रार्थी

बनाम

मुख्य कारखाना प्रबंधक, लोको कारखाना, अजमेर।

...अप्रार्थी

पीठासीन अधिकारी : गिरीश कुमार शर्मा, आर.एच.जे.एस.**उपस्थित**

प्रार्थी की ओर से कोई उपस्थित नहीं।

अप्रार्थी की ओर से विद्वान प्रतिनिधि श्री लक्ष्मण प्रसाद सिंघल

दिनांक : 12.04.2017

अवार्ड

केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने उपरोक्त आदेश के जरिये निम्न विवाद इस न्यायाधिकरण को अधिनिर्णय हेतु निर्देशित किया है:

“क्या मुख्य प्रबंधक कारखाना प्रबंधक (लोको) पश्चिम रेलवे, अजमेर के द्वारा श्री अमरीक सिंह बग्गा को श्री रोशन लाल एवं प्रहलाद चंद से डीजल मैकेनिक ग्रेड II वेतनमान 330-480 में कनिष्ठ माना जाना उचित एवं वैध है? यदि नहीं तो श्रमिक किस राहत का अधिकारी है?”

प्रकरण दर्ज रजिस्टर किया जाकर उभय पक्षकारान को नोटिस जारी किए गए। प्रार्थी यूनियन की ओर से दिनांक 07.05.1997 को स्टेटमेंट ऑफ क्लेम पेश कर अभिकथन किया गया कि प्रार्थी अमरीक सिंह बग्गा ने उच्च कुशल डीजल मैकेनिक ग्रेड द्वितीय की दस्तकारी परीक्षा आबूरोड में दिनांक 13.07.1977 को उत्तीर्ण की तथा उसके पश्चात् उच्च कुशल डीजल मैकेनिक ग्रेड द्वितीय के पद व वेतनमान पर दिनांक 20.12.1977 को पदोन्नत को किया गया तथा दिनांक 09.05.1978 को डीजल पी.ओ.एच 21, लोको वर्कशॉप अजमेर में प्रशासन हित में स्थानांतरित किया गया तथा प्रार्थी को ग्रेड द्वितीय के पद पर दिसम्बर 1982 तक कार्य किया। प्रार्थी का नाम वरीयता सूची में क्रमांक 197 पर व दूसरी वरीयता सूची पर 162ब पर अंकित है। प्रार्थी को दिनांक 1.1.1984 से उच्च कुशल डीजल मैकेनिक ग्रेड प्रथम में पदोन्नति का लाभ दिया गया एवं दिनांक 25.07.1986 को डीजल मैकेनिक ग्रेड-प्रथम की दस्तकारी परीक्षा उत्तीर्ण की तथा दिनांक 20.12.1977 से प्रोफार्मा वेतनमान निश्चित किया गया। श्री प्रहलाद चंद व श्री रोशन सिंह जो ब्लैक स्मिथ लोको वर्कशॉप लुहार खाना अजमेर से डीजल पी.ओ.एच. 21 में स्थानांतरित होकर आये थे जिन्होंने ग्रेड द्वितीय की दस्तकारी परीक्षा 28.02.1979 को एवं ग्रेड-प्रथम की दस्तकारी परीक्षा दिनांक 16.01.1979 को उत्तीर्ण की थी, इनको विपक्षी ने दस्तकारी परीक्षा उत्तीर्ण करने से पूर्व ही दिनांक 23.12.78 के आदेश से दिनांक 01.08.1978 से उच्च कुशल ग्रेड-प्रथम एवं द्वितीय के पद पर पदोन्नत कर दिया गया जो रेल नियमों के विरुद्ध है। जिससे प्रार्थी इन दोनों से वरिष्ठ होने के बावजूद भी प्रार्थी को समय समय पर मिलने वाली पदोन्नति से वंचित होना पड़ा। अतः अन्त में प्रार्थी को श्री प्रहलाद चंद व श्री रोशन सिंह से वरिष्ठ मानकर पदोन्नत करवाया जावे एवं समय समय पर मिलने वाले पद व वेतनमान, सुविधायें, भत्ते दिलाये जाने की प्रार्थना की है।

विपक्षी संस्थान द्वारा स्टेटमेंट ऑफ क्लेम जवाब प्रस्तुत कर अभिकथन किया कि प्रार्थी अमरीक सिंह ने एवजी अवकाश में दिनांक 20.12.77 से 20.2.78 तक 32 दिन डीजल मैकेनिक ग्रेड- II के पद पर तदर्थ रूप से कार्य किया था तथा फिर दिनांक 20.2.78 को डीजल मैकेनिक ग्रेड-III पर पदावनत किया गया तथा उसके बाद दिनांक 19.6.80 को अजमेर में स्थानांतरित किया था। श्री रोशन सिंह व श्री प्रहलाद सिंह उच्च कुशल ग्रेड-I के पद पर स्थानांतरण होकर आये थे जिनकी पदोन्नति आदेश दिनांक 23.12.78 द्वारा दिनांक 1.8.78 से अपग्रेड पदों पर हो चुकी थी। उक्त कार्मिकों ने लुहार खाना लोको में स्थानांतरण से पूर्व ही ग्रेड-II की परीक्षा दिनांक 21.11.78 को व ग्रेड-I की परीक्षा दिनांक 6.12.78 व 7.12.78 को पास कर चुके थे। अतः प्रार्थी श्रमिक इन दोनों कर्मचारियों से वरिष्ठ नहीं होने से कोई लाभ प्राप्त करने का अधिकारी नहीं है। अतः प्रार्थी का क्लेम खारिज किए जाने की प्रार्थना की है।

प्रार्थी यूनियन की ओर से स्टेटमेंट ऑफ क्लेम के समर्थन में मौखिक साक्ष्य में प्रार्थी साक्षी अमरीक सिंह को परीक्षित करवाया है। विपक्षी की ओर से श्री विक्रम सिंह का शपथ पत्र पेश हुआ है तथा प्रार्थी की ओर से कोई उपस्थित नहीं होने से विपक्षी साक्षी से जिरह नहीं की गई है।

मैंने अप्रार्थी प्रतिनिधि की बहस सुनी, पत्रावली का ध्यानपूर्वक अवलोकन किया।

अब न्यायाधिकरण के समक्ष अवधारणीय बिन्दु यह है कि क्या प्रार्थी कर्मकार अमरीक सिंह से अन्य कर्मकार रोशनलाल व प्रहलाद चंद जूनियर थे?

इस संबंध में प्रार्थी साक्षी अमरीक सिंह ने साक्ष्य कथन किया है कि उसने उच्च कुशल डीजल मैकेनिक ग्रेड द्वितीय की दस्तकारी परीक्षा आबूरोड में दिनांक 13.7.1977 को उत्तीर्ण की थी। उसके पश्चात् उसे मैकेनिक ग्रेड द्वितीय का वेतनमान पर दिनांक 20.12.1977 को पदोन्नत किया गया तथा उसे दिनांक 1.1.1984 को उच्च कुशल डीजल मैकेनिक ग्रेड प्रथम पर पदोन्नत किया गया तथा इसी बीच दिनांक 25.06.1979 को प्रहलाद चंद व रोशनलाल लोको वर्कशॉप लुहारखाना-3 अजमेर से डीजल पीओएच 21 में स्थानांतरित होकर आये तथा इन्होंने दस्तकारी परीक्षा ग्रेड प्रथम व द्वितीय ग्रेड की बाद में उत्तीर्ण की लेकिन उन्हें टेस्ट ग्रेड की पदोन्नति देने से प्रार्थी की रैंक से वरिष्ठता में आ गए। जिरह में इस गवाह ने बताया कोई परीक्षा नहीं होती है वरिष्ठता का ही आधार होता है। जिरह में इस गवाह ने इस सुझाव से इंकार किया है कि वह रोशन लाल व प्रहलाद चंद से जूनियर हो।

विपक्षी साक्षी विक्रम सिंह ने विपक्षी विभाग के जवाब में वर्णित अभिकथनों की मुख्य परीक्षा शपथ पत्र पर प्रस्तुत की है तथा इस गवाह से कोई प्रतिपरीक्षण भी नहीं है तथा इस गवाह ने दस्तावेज प्रदर्श आर-1 से प्रदर्श आर-4 को समर्थित अपने मुख्य परीक्षा से किया है तथा इस गवाह की साक्ष्य का सार यह है कि कर्मकार रोशन लाल व प्रहलाद चंद ने पहले ग्रेड-II का ट्रेड टेस्ट दिनांक 21.11.1978 को व ग्रेड-I का ट्रेड टेस्ट दिनांक 6.12.1978 व 7.12.1978 को उत्तीर्ण किया था तथा जो डीजल वर्कशॉप में आने से पहले से ट्रेड टेस्ट पास थे तथा ग्रेड-I में कार्यरत थे तथा श्री अमरीक सिंह से सीनियर थे तथा श्री अमरीक सिंह को ग्रेड-II और ग्रेड-I दिनांक 1.10.1983 व दिनांक 1.8.1986 को निरन्तर कार्य करने से भुगतान किया जा चुका है तथा वरीयता दी जा चुकी है।

इस प्रकार प्रार्थी व अप्रार्थी की मौखिक व दस्तावेजी शहादत के विवेचन से प्रार्थी कर्मकार श्री अमरीक सिंह से रोशन लाल व प्रहलाद चंद जूनियर होना प्रार्थी साक्ष्य से प्रमाणित नहीं है। अतः अमरीक सिंह को श्री रोशन लाल व प्रहलाद चंद से डीजल मैकेनिक ग्रेड द्वितीय वेतनमान 330-480 में कनिष्ठ माना जाना उचित व वैध है तथा प्रार्थी श्रमिक कोई अनुतोष पाने का हकदार नहीं है।

उपरोक्त विवेचन के फलस्वरूप निम्न प्रकार अवार्ड पारित किया जाता है

अधिनिर्णय

अतः “मुख्य प्रबंधक कारखाना प्रबंधक (लोको) पश्चिम रेलवे, अजमेर के द्वारा श्री अमरीक सिंह बग्गा को श्री रोशन लाल एवं प्रहलाद चंद से डीजल मैकेनिक ग्रेड II वेतनमान 330-480 में कनिष्ठ माना जाना उचित एवं वैध है। प्रार्थी श्रमिक कोई अनुतोष प्राप्त करने का हकदार नहीं है।”

गिरीश कुमार शर्मा, न्यायाधीश

शुद्धि-पत्र

नई दिल्ली, 1 दिसम्बर, 2017

का.आ. 2759.-भारत के राजपत्र भाग-II, खंड-3, के उप खंड (ii), दिनांक 09/08/2016 के पृष्ठ सं. 3827 तथा 3828 (एस.ओ. सं.1706) की अधिसूचना सं. एस-38013/38/2016-एस.एस-1 दिनांक 09/08/2016 के आंशिक आशोधन में क्रम सं. 14 पर उल्लिखित जिला का नाम कॉलम सं. 2 के निम्नानुसार पढ़ा जाए :-

क्रम सं.	कॉलम सं. 1	कॉलम सं. 2
	यथा उल्लिखित नाम (गलत)	जिला का नाम पढ़ा जाए
14	बिहार शरीफ	नालंदा

[सं. एस-38013/38/2016-एस.एस-1]

संतोष कुमार सिंह, अवर सचिव

CORRIGENDUMNew Delhi, the 1st December, 2017

S.O. 2759.—In partial modification to the notification No. S-38013/38/2016-SS-I dated 09/08/2016 of Ministry of Labour & Employment (S.O.No.1706), published on page No. 3827 & 3828 of Gazette of India Part-II, Section-3, Sub-Section (ii) dated 09/08/2016 the name of districts in Sl. No. 4 & Sl. No. 14, may be read as mentioned correctly in Col. No. 2 given below :-

Sl. No.	Col. No. 1	Col. No. 2
	Name as mentioned (Incorrect)	Name of the Districts may be read as
4	BENGUSARAI	BEGUSARAI
14	BIHARSHARIF	NALANDA

[No. S-38013/38/2016-SS-I]

S. K. SINGH, Under Secy.

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 03/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/377/1996—आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2760.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad

(Ref. No. 03 of 1998) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/377/1996-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10(1) (d) (2A) of I.D.Act.1947**Ref. No. 03 of 1998**

Employer in relation to the management of Amlabad Colliery of M/s. BCCL

AND

Their workman

Present: Shri R. K. Saran, Presiding Officer**Appearances :**

For the employers: None

For the Workman.: Shri S.C. Gour, Rep.

State : Jharkhand

Industry : Coal

Dated : 25/10/ 2017

AWARD

By order No. L-20012 /377 /1996/IR (CM-I) dt. 31.12.1997, the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section(1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management in denial to promote Sri Deo Nandan Singh, Mech. Fitter Helper from Category-II to Category-IV from the date his juniors have been promoted is justified? If not, to what relief is the concerned workman entitled?”

2. This Case is received from the Ministry on 27.01.1998. After receipt of the reference, both parties are noticed. During the pendency of the case, Ld. Vice president of the sponsoring Union submits that workman is not interested to contest the case. It is felt that the dispute between parties is resolved in the meantime. Hence “No dispute” award is passed. communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 7/1994 और 9/1994) को प्रकाशित को करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/206/1993-आई. आर. (सी-I),

सं. एल-20012/216/1993-आई. आर. (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2761.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 7 of 1994 and 9 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/206/1993-IR(C-I),
No. L-20012/216/1993-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1)(d) (2A) of I.D.Act, 1947

Reference No. 7/1994 & 9/1994

Employers in relation to the management of Khas Kusunda Colliery of M/s. BCCL

And

Their workmen

Present : Shri R. K. Saran, Presiding Officer

Appearance:-

For the Employers : Shri D. K. Verma, Advocate

Shri U.N.Lall, Advocate

For the workman : Shri R.K.Mukherjee Advocate

Industry : Coal

Dated : 24.10.2017

AWARD

Reference No. 7/1994

By order No. L-20012/206/1993/IR (C-I) dated 10.02.1994, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of Management of Khas Kusunda colliery, P.O- Kusunda, Dist-Dhanbad of M/s. BCCL in denying regularization of the services of Shri Basiruddin Ansari and 46 others as per list annexed is justified ? If not , to what relief are the concerned workmen entitled?”

Annexure**List of workmen**

1.	Sri Basiruddin Ansari	2.	Sri Ram Lakhan Yadav	3.	Sri Ali Hussin
4.	Sri Indradeo Paswan	5.	Md Rajjak	6.	Sri Naresh Paswan
7.	Sri Ashok Kumar	8.	Sri Hatim Mian	9.	Sri Md. Saddique
10.	Sri Ram Payare Singh	11.	Sri Ram Prasad Singh	12.	Sri Prayag Bhuia
13.	Sri Abdul Kadir	14.	Sri Bipat Mahato	15.	Md. Ali
16.	Sri Siyaram Yadav	17.	Sri Girja Yadav	18.	Sri Chandradeo Yadav
19.	Sri Ganesh Yadav	20.	Sri Devi Dayal Yadav	21.	Sri Chndradeo Yadav
22.	Sri Mohan Yadav	23.	Sri Jagdeo Yadav	24.	24. Sri Birendra Yadav
25.	Sri Brajesh Pandey	26.	Sri Chandrajit Yadav	27.	Sri Kamal Rostagi
28.	Sri Jairam Yadav	29.	Sri Chotu Roy	30.	Sri Md. Sakur
31.	Sri Bideshi Bhar	32.	Sri Kedar Paswan	33.	Sri Nashir Rahman
34.	Sri Parash Nath Singh	35.	Sri Biru Ansari	36.	Sri Gayani Saw
37.	Sri Jamuna Mahato	38.	Sri Tapan Mukherjee	39.	Sri Kedar Saw
40.	Sri Abdul Latif	41.	Sri Md. Sahib	42.	Sri Azad Hussain
43.	Sri Rustam Mia	44.	Sri Ramdeo Singh	45.	Sri Ramjee Chooudhary
46.	Sri Arjun Sharma	47.	Sri Mustakim Mia		

REFERENCE No. 9/1994

By order No. L-20012/216/1993/IR (C-I) dated 10/11-02-1994, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub – section (2A) of section 10 of the Industrial Disputes Act , 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of Management of Khas Kusunda colliery, P.O- Kusunda, Dist-Dhanbad of M/s. BCCL in denying regularization of the services of S/Shri Krishna Gopal and 62 others as per list annexed is justified ? If not , to what relief are the concerned workmen entitled?”

ANNEXURE**List of workman**

1.	Sri Krishna Gopal	2.	Sri Ramjee Prasad	3.	Sri Bhaiya Ram
4.	Sri Danauri Das	5.	Sri Narayan Gosawami	6.	Sri Jageshwar Prasad
7.	Sri Maharaj Prasad	8.	Sri Gulam Rasul	9.	Sri Jitbandan Das
10.	Sri Cintu Ray	11.	Sri Dasrath Mondal	12.	Smt Saro Kamin
13.	Smt. Rajmuni Kamin	14.	Smt. Chando Kamin	15.	Smt. Jalo Kamin
16.	Sri Jitendra Mondal	17.	Smt. Muni Kamin	18.	Sri Bholi Mia
19.	Smt. Nilima Kamin	20.	Smt. Basanti Kamin	21.	Sri Tulshi Das
22.	Sri Baldeo Ray	23.	Sri Ranjit Yadav	24.	Sri Nand Kishore Prasad
25.	Sri Sarju Pd. Paswan	26.	Smt. Santi Kamin	27.	Smt. Saro Kamin -II
28.	Smt. Janki Kamin	29.	Smt. Sabitri Kamin	30.	Smt .Khuiya Kamin
31.	Sri Sarju Pd. Chouhan	32.	Sri Kara Munda	33.	Sri Ram Lal Koul
34.	Sri Sheo Lal Koul	35.	Sri Sudarshan Harijan	36.	Sri Sheo Charan Bauri
37.	Sri Rafik –ue-Rahman	38.	Smt. Phalo Kamin	39.	Smt. Kunjmati Bai
40.	Smt. Bhima Kamin	41.	Smt. Sudiya Kamin	42.	Smt. Somari Kamin
43.	Sri Naga Munda	44.	Sri Suren Munda	45.	Smt. Malti Kamin
46.	Smt. Bimali Kamin	47.	Sri Janki Prasad	48.	Sri Sheo Dayal
49.	Sri Sarju Pd. Choudhary	50.	Sri Nasurudin Sekh	51.	Sri Sarju pd. Paswan
52.	Md. Abhash	53.	Md Yusuf Ansari	54.	Sri Tulshi Paswan
55.	Sri Biru Mia	56.	Muhamad Mia	57.	Md Latif Mia
58.	Kurban Mia No. 1	59.	Kurban Mia No. 2	60.	Sri Samsuddin Mia
61.	Sri Rahmat Mia	62.	Muhamad Ali	63.	Sri Kishun Das

2. Both the cases are received from Ministry of Labour on 15.02.1994. The workman files written statement on 23.03.1994 & 18.02.1994 respectively. The management files their written statement on 10.06.1994 & 22.06.1994

respectively. Two witnesses examined on behalf of the workman in 7/94 and three witnesses examined in Ref. 9/1994 but only one witness examined on behalf of the management for both the cases. But no documents marked from either side.

3. The case of the Sponsoring Union/ workman in Ref 7/1994 is that The above named workmen has been working as Stone Cutters continuously and regularly since April 1975 at Khas Kusunda Colliery under M/S BCCL till 1982 in said capacity in same colliery.

4. The job performed by the said workmen was a job of prohibited category as per order S.O No. 488 dated 01.02.1975 issued by the Central Govt. under the provision of Section 10 of the Contract Labour Regularisation and abolition Act 1970 and as such all the said workmen were the direct employee of the concerned management and the payment was made through an intermediary/ Contractor, the concerned workmen were not paid the full amount and as such they got less payment for the period they worked from the amount for which they were legally entitled.

5. The concerned workmen were legally entitled for regularization and absorption on permanent roll of the management since 1975 and to get all the benefits and facilities of permanent employee.

6. It is further submitted by the workmen that the management did not do so and ultimately stopped them from work after 1982 without any justified reason and did so in order to escape from the liability and responsibility from the regularization of these workman for which they were entitled on the basis of their regular and continuous work for about 8 years under the said management as stone cutters.

7. The workman made several representation before the management for their regularization but the management did not listen at all and ultimately an Industrial dispute arose.

8. The case of the Sponsoring Union in Ref. No. 9/1994 is that the above named workmen were engaged in underground works of plastering, Cutting stopple pit between top & Bottom of 11 seam, Drilling cutting from 11 seam to III seam, Advancing Face, Dyke cutting at 9th Dip gallery, making fan of 11 seam top, making stopping at 11 seam top, Drift work and cleaning of Khas Kusunda Colliery of M/s. Bharat Coking Col Ltd. Which are a regular nature of work but the management abolished the work of regular nature which was done by them and gave such work to contractors, which is unfair labour practice.

9. It is also submitted by the union that the concerned workmen were employed in prohibited category of job in which is work by or through contract Labour have been prohibited long ago and they were employed underground as well as on the surface from time to time and the workmen concerned completed 190 /240 day or more attendance each year under direct supervision and control of the management.

10. On the other hand the case of the management is that no employer-employee relationship exists between the management and the concerned persons and as such no Industrial dispute can be raised for regularization of the concerned persons who are not the workmen of the management. The sponsoring Union has claimed before the conciliation officer that the concerned persons had worked as stone cutter through contractor, named Md. Zamir Ansari some times during the period from 1975 to 1982

11. It is further submitted by the management that the Sponsoring Union has not been able to give any details of employment of the concerned persons during the alleged period of their service under the contractor named Md. Zamir Ansari. The Union also could not give any reasons for not raising any dispute for such a long period of 10 years demanding employment for the alleged workmen of the contractor. The present claim made after a period of more than 10 years. This fact alone makes it clear that this is not a case for regularization of workmen of the contractor but in fact this is a case of demand of induction of persons into the employment of the management with the help of litigation from back door entry. It is also submitted that the claim of the union was found to be imaginary, baseless and unfounded, and the management rejected the demand of the Sponsoring Union for employment of the concerned persons. The Khas Kusunda colliery does not have thin seam working and there is no scope for engagement of stone cutters on regular basis.

12. It is further submitted that the concerned persons are not the genuine workmen of Md. Zamir Ansari and they are job seekers and approached the Sponsoring Union to provide them job under the management. It is submitted that Md. Zamir Ansari was a contractor and he was awarded contract on very rare occasion requiring engagement of not more than 8 to 10 persons in a day and payment receipt of MD. Zamir Ansari will indicate that he could not make payment of wages to more than 7 to 8 persons and that do not on regular basis but on occasional basis in any particular months.

13. The claim advanced by the sponsoring union is not at all bonafide and is an attempt to induct job seekers in the employment of the management through back door methods. Hence the concerned persons are not entitled to be regularized in the service of the management.

14. The short point to be decided in this reference for regularization of 47 workmen and 63 workmen respectively under Khas Kusunda Colliery management. It is the case of the union that the workmen were rendering services as workmen as such they are to be regularized there. On the other hand, the claim of the management is that the workmen

were not their workmen and the workmen through fake person are trying to make back door entry through sponsoring Union by litigation.

15. The Union official deposed in the case as witness, his cross examination is mentioned below:-

“I raised the dispute as Union leader. I can now file the fathers name of the workmen concerned. The workmen were working under Zamir Ansari Contractor . The contractor did not give any I.D Card to the concerned workmen. In the year 1982 the contractor did not give work to the concerned workmen.”

The cross-examination of WW-2 of Ref. 7/94 is quoted as below :-

“I have no work order or appointment letter to work under management. Contractor Zamil Ansari has also not give any appointment letter or I.D Card .”

Xxxxx

16. “Three witnesses examined on behalf of the workmen in Ref. 9/1994 and all say that **“ I don’t have any document to show that I was working under BCCL/ Contractor. I am deposing on behalf of all the workmen. I was working as Civil mason.”**

17. In the case the fathers name and age of the workmen not mentioned. Regarding their identity after perusing the order of reference, the union has not taken any attempt or examined any witness regarding age of the workmen but in the meantime the Sponsoring Union filed name, father’s name and photograph of workmen on 2.09.2015 but in which the union did not disclose the age of the workmen.

18. The management witness says, that they were taking workmen through contractor for a limited period or limited persons.

19. The Sponsoring Union submits in the Written statement that all the workmen were working since 1975, on calculation, now all the workmen were more than 60 years of age.

20. Sri Jamuna Mahto @ Anand Mahto WW-2 of 7/94 is aged about 41 years as on 15.01.2013 as per his affidavit. It means at the time of engagement in the mines he was a baby as he was working from 1975. In chief he is admitted In para 4 is quoted below:-

“ My self and other workmen were employed under ground as well as on the surface from time to time during the period from 1976 to 1982 and we were completed 240 days in each calendar year.” He is 41 years of old as per his affidavit. It means in 1975 they are 2 or 3 years old.

21. WW-1 WW-2 & WW-3 of Ref. No. 9/1994 is aged 40, 41& 42 respectively as on 15.01.2013 as per affidavit filed, his condition is same. It is also admitted by all witnesses of workmen that “ I have no paper to show that, I was working under BCCL/contractor. I am deposing on behalf of all the workmen. I was working as civil mason.” Now on calculation, all are 2 to 3 years old baby in 1975. It means they are neither engaged by BCCL nor any contractor workmen. It is also noticed that all the witnesses stated that they were working as civil mason through contractor, whereas the claim of the union is that the workmen concerned were working as stone cutter. Accordingly the work of civil mason is not a permanent nature of job. Upon this one judgment of constitution Bench of Hon’ble Supreme Court rendered in case of **SAIL-Vs. National Union Waterfront Workers reported in (2001) 7SCC-1** says that the engagement of the contractor in the instant work was not prohibited category of work. Therefore the claim of the union is not correct.

22. Now on Perusal of all the evidence of all witnesses it appear that the persons are fake, and claim of Sponsoring Union is that the workmen is stone cutter whereas the witnesses say that they were working as civil mason. Since the Union unable to prove that they were working in previous year for 190 days because the attendance register of workmen is also not filed, and their identity and age has not been proved , thus this Tribunal unable to regularize them.

23. Considering the facts and circumstances of both the cases, I hold that the action of Management of Khas Kusunda colliery, P.O- Kusunda ,Dist-Dhanbad of M/s. BCCL in denying regularization of the services of Shri Basiruddin Ansari and 46 others and S/Shri Krishna Gopal and 62 others as per list annexed is justified . Hence they are not entitled to get any relief .

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 05/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/36/2016-आई. आर. (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2762.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad

(Ref. No. 5 of 2017) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/36/2016-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D.Act. 1947

Reference No. 05 of 2017

Employer in relation to the management of E.J. Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K.Verma, Advocat

For the Workman : Shri Sadhan Banerjee, Rep

State:-Jharkhand

Industry :- Coal

Dated : 24.10 .2017.

AWARD

By order No.-L-20012/36/2016 IR-(CM-I), dated. 06/02/2017 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL in terminating the service of Shri Jitendra Kumar Paswan pers. No. 02991107, Miner Loader without conducting enquiry in fair and legal manner is legal and justified? If not, to what relief the workman is entitled to and from which date?”

2. The case is received from the Ministry of Labour on 02.03.2017. After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 21.03.2017. And the management files their written statement-cum-rejoinder on 03.08.2017. The point involved in the reference is that the workman has been dismissed from his services w.e.f 29.07.2002.

3. During preliminary hearing of this case, domestic enquiry held by the management is accepted by the Sponsoring Union/workman as Fair & Proper .

4. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence. But he has already out of service since last 15 years. It is felt to give another chance to the workman concerned to serve.

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee in cat-I. But the workman be kept under probation for a period of two year. Therefore the question of back wages does not arise at all.

This is my award .

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 31/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/310/1998-आई. आर. (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2763.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad

(Ref. No. 31 of 1999) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/310/1998-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 31/1999

Employer in relation to the management of Gidi washery of M/s. CCL

AND

Their workmen

Present: Shri R. K. Saran Presiding Officer

Appearances:

For the Employers : Shri D.K Verma, Advocate

For the workman. : None

State : Jharkhand.

Industry- Coal

Dated : 23/10/2017

AWARD

By order No. L-20012/310/1998-IR(C-I) dated 22/02/1999 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand for the protection of wages in respect of Sri Bhuneshwar Ram and 50 others (As per list submitted by the union) which they were getting wages before their regularization from piece-rated to time rated categories and their categorization as per N.C.W.A. IV for the job actually they are doing is legal and justified? If so as to what relief these workmen are entitled to?”

Note :- list of workmen is not enclosed alongwith order of reference.

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 84/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/733/1997-आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2764.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 84 of 1998) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/733/1997-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10(1) (d) (2A) of I.D.Act.1947**Ref. No. 84 of 1998**

Employer in relation to the management of Nichitpur Colliery of M/S. BCCL

AND

Their workman

Present: Shri R .K.Saran Presiding Officer**Appearances :**

For the employers: Shri D.K.Verma, Advocate

For the Workman.: Shri D.Mukherjee, Rep.

State :- Jharkhand

Industry :- Coal

Dated 24/10/ 2017

AWARD

By order No. L-20012 /733 /1997/IR (CM-I) dt. 10.09.1998, the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section(1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Nichitpur Colliery of M/S. BCCL in denying to regularise Sri Satish Prasad Singh, Drodger Operator as Forman by the management Since 12.03.1992(when the management has already regularised and promoted Sri R.P.Singh, fitter Excy. Cat- B, Sri C. Pandey, D/Operator Cat-B and Sri SheoSagar Saw Crane Operator Cat-B to the post of Asstt. Foreman Grade-C in the year 1985 and 1983 respectively) is legal & justified? If not, to what relief the workman entitled? ”

2. This Case is received from the Ministry on 21.09.1998. After receipt of the reference, both parties are noticed. During the pendency of the case, Ld. Secretary of the sponsoring Union submits that workman is not interested to contest the case. It is felt that the dispute between parties is resolved in the meantime. Hence “No dispute” award is passed. communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 69/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल—20012/39/1996—आई. आर. (सी—I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2765.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 69 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/39/1996-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 69/1997

Employer in relation to the management of jealgora colliery M/s. BCCL

AND

Their workmen

Present : Shri R. K. SARAN, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry- Coal

Dated : 23/10/ 2017

AWARD

By order No. L-20012/39/1996-IR(C-I) dated 07/03/1997 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. BCCL in denial to regularize S/Sh. Bikram Das & Sheobadan as Munshi in Clerical Grade –II is justified? If not, to what relief the concerned workmen are entitled?”

2. After receipt of the reference, both parties are noticed. But after filing of written statement by the union, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 48/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/50/2009-आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2766.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 48 of 2009) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/50/2009-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10(1) (d) (2A) of I.D.Act.1947**Ref. No. 48 of 2009**

Employer in relation to the management of Block-II Area, M/s. BCCL

AND

Their workman

Present: Shri R. K. SARAN, Presiding Officer**Appearances :**

For the employers : Shri D.K.Verma, Advocate

For the Workman. : Shri Laloo Oraon, in person.

State :- Jharkhand

Industry :- Coal

Dated 24/10/ 2017

AWARD

By order No. L-20012 /50 /2009/IR (CM-I) dt.17.08.2009 the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section(1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Block-II Area of M/S. BCCL in deducting the House Rent Allowance from the pay of Sri Laloo Oraon, EP Electrician is justified and legal (ii) To what relief is the workman concerned entitled?”

2. After receipt of the reference, both parties are noticed. During the pendency of the case Ld. Counsel of the management appears and files acceptance letter of the workman concerned in which he submits that he does not want to contest the reference, and their demand has been fulfilled. Dispute between parties is resolved in the meantime, Therefore it is felt to pass an award of No.Dispute accordingly.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 45/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/520/1997-आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2767.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 45 of 1998) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.11.2017.

[No. L-20012/520/1997-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10(1) (d) (2A) of I.D.Act.1947**Ref.No. 45 of 1998**

Employer in relation to the management of Jairampur Colliery of M/S. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer**Appearances :**

For the employers : Shri D.K.Verma, Advocate

For the Workman. : Shri S.C.Gour, Advocate.

State :- Jharkhand

Industry :- Coal

Dated : 24/10/ 2017

AWARD

By order No. L-20012 /520 /1997/IR (CM-I) dt. 13.08.1998, the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section(1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Jayrampur Colliery of M/S BCCL in dismissing Sri Rai Singh Munda from the services of the company w.e.f. 04.08.94 is justified ? If not, to what relief the workman concerned is entitled?”

2. After receipt of the reference, both parties are noticed. During the pendency of the case, Ld. Counsel of the Sponsoring Union appears and submits that the union/workman does not want to contest the case. Therefore it is felt that the dispute between parties is resolved in the meantime. Hence No.Dispute award passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—2, धनबाद के पंचाट (संदर्भ संख्या 01/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/130/2015-आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2768.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 01 of 2016) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 8.11.2017.

[No. L-20012/130/2015-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD.****Present :** Shri R. K. Saran, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act., 1947.

REFERENCE NO 01 OF 2016

PARTIES : : The Secretary,
Rastriya Mazdoor Union,

At & PO; Bhowra, Distt: Dhanbad.

Vs.

The General Manager,

E.J..Area of M/s. BCCL,

P.O. Bhowra, Distt. Dhanbad.828302.

Order No. L-20012/130/2015-IR(CM-I) dt. 15.12.2015

APPEARANCES :

On behalf of the workman/Union : Mr.A.Khan, Ld. Representative

On behalf of the Management : Mr.D.K.Verma Ld. Advocate

State: Jharkhand

Industry : Coal

Dated Dhanbad, the 18th September, 2017

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/130/2015-IR(CM-I) dt. 15.12.2015

SCHEDULE

“Whether the action of the Management of Patherdih Colliery of M/s. BCCL in dismissing Shri Thuluk Hansda, Ex. Miner Loader. Pers. No. 02715472 from the services of the Company vide Order No. BCCL /PEH/PERS/2001/1141 dated 28.06./05.07.2001 is fair and justified? To what relief the concerned workman is entitled to?”

On receipt of the Order No. L-20012/130/2015-IR(CM-I) dt. 15.12.2015 on the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 01 of 2016 was registered on 04.01.2016 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Representative/ Ld. Counsel respectively appeared, and contested the case to the extent the case was reserved for Award.

2. This Reference relates to dismissal of the delinquent workman Shri Thuluk Hansda, a permanent employee of Patherdih Colliery bearing his Personal No. 02715472 under the Management of BCCL, a Group of the Collieries exclusively based at Dhanbad. The whole episode of the issue is, as narrated, by the Union in its WS. that the workman had started absenting himself from duty on the ground of ill health without information against which the Management came out with charge sheet framing charges of illegal absentism, thereby seeking explanation. Though workman concerned replied the charge sheet against the charges levelled against him but the Management went ahead as part of its larger plan with setting up a departmental enquiry to go to the bottom of the facts with suitable direction to participate in the enquiry proceedings that was to be conducted by the Management. Accordingly complying with the directive the workman appeared before in the Enquiry Committee and stated all about facts he had to remain on absentism as stated by the workman. In belated violation of the principle of natural justice Management did not consider the facts nor did keep in mind the facts into accounts, as stated by the workman in his reply to the charge sheet The absent from duty exclusively attributed to workman's sickness and nothing else, as alleged in the WS. The workman replied to the said charge sheet and subsequently, appeared in the Domestic Enquiry constituted later on blaming the said enquiry as unfair, improper and not in the line of the natural justice attributed to workman's sickness. Though the charge of misconduct brought upon against the workman in course of the Enquiry was absentism so the dismissal for committing petty misconduct had shockingly a serious blow and disproportionate as it stands capital punishment in service arenas. The workman was worst hit being rubbed off his livelihood in days hardship

3. Whereas categorically denying all the allegations brought in by the Sponsoring Union/workman, the Management argued raising question over maintainability of Industrial Dispute either in law and facts after elapse of fourteen years from the date of dismissal of workman concerned as the Union do not have locus standi to raise the Industrial Dispute. It is deemed an Industrial Dispute not fit for adjudication under the provisions of 2A of the I.D. Act. The workman concerned was working as Badli M/Loader had started absenting from duty since 12.04.2000 without any information nor even prior permission The said act on the part of the workman is attracted and termed as misconduct in accordance with clause 26.1.1. of the Certified Standing Order, an by-laws of the Management of the

M/s. BCCL. Though the Management came out with charge sheet of alleged being remained absentism for prolong period, that remained unresponsive, leading to formation of Departmental Enquiry to go to bottom of the fact by the Disciplinary Authority solely in the line of the principle of natural justice. As the workman appeared before the enquiry and submitted his reply to the said chargesheet. The issue, in quest, was referred the Domestic Enquiry to go to bottom of the facts and the workman was held guilty of the charges brought against him during the enquiry proceedings. It is an extreme example of gross negligence on the part of the workman who later on turned habitual absentee that got deep rooted leading to his dismissal from service. The alleged act of dismissal from service by the Disciplinary Authority has been based on not merely singling out to a specific incident but taking into account the whole aspect of past attendances during his service career and other relevant service matters, too.

Finally, the Disciplinary Authority came forward with handing out the dismissal letter dt.05.07.2001 only after going through his past history of cases on absentism inclusive this one. Since the workman concerned kept on indulging himself in absentism and turned it into habitual practice with no sign of abating in spite of full force with which the Management did its best not to let the efforts go in vain by slapping severe warning from time to time before resumption of duty. Thus, neither there was any short of violation of the principle of natural justice, nor did it get mired at any stage as alleged by the petitioner/Union rather the alleged action of dismissal against the workman stands as fair, legal and justified.

4. So long as in relation to Group of the Collieries under the Management of M/s BCCL, a part of the Coal India Ltd., cases like this seldom get significant like one where numerous cases on same footing might have been pouring in slowly but steadily and the matter never gets more complicated when the labour forces are involved. Undeniably the workmen mostly belonging to illiteracy back ground are usually scared of stepping into the underground Mines due to safety hazards and unhealthy conditions, surrendering in and around the site despite best of safety mechanism/technique in place, However safety related issues have never carved out a permanent niche in the hearts of workers. The Management and its set ups associated in such matter presents an added dimensions and raises question on the efficacy of the present existing system and the practice to ignore the move of the such loopholes vulnerable on slightest safety omissions

There is nothing adverse report against the workman barring this one. Though alleged absentism had cost him employment. The punishment of dismissal imposed to the misconduct against the workman shielding under the name of penalty on ground of absentism appears to be disproportionate and a little bit harsher to bear, and what needs above all, a fresh outlook in view of easing out of strain in Industrial relationship.

5. The workman concerned who was stripped of his livelihood, needs a little with breather, be provided one more opportunity by offering him fresh appointment in the lowest Grade with two- year probation. Therefore it is ordered that the worker concerned be appointed as fresher in the lowest Cat-I with two-year period on probation with no back wages whatsoever.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या: 84/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/102/2015-आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2769.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 84 of 2015) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 08.11.2017.

[No. L-20012/102/2015-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****Present :** Shri R.K.Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act.,1947.

REFERENCE NO 84 OF 2015

PARTIES : The Jt. General Secretary,
Bahujan Mazdoor Union,
Mines Rescue Station, Dhansar.
Post: Dhansar, Dhanbad

Vs

The General Manager,
Katrass Area of M/s. BCCL.
PO: Katrasgarh, Dhanbad-828113

Order No. L-20012/102/2015-IR (CM-I) dt.09.10.2015**APPEARANCES :**

On behalf of the workman/Union : None
On behalf of the Management : Mr. D.K.Verma, Ld. Advocate
State :Jharkhand

Industry : Coal

Dated, Dhanbad, the 11th Sept., 2017**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/102/2015-IR (CM-I) dt.09.10.2015.

SCHEDULE

“Whether the action of the Management of Katras Area of BCCL in not regularizing Sri Vijay Kumar Rajak in the post of Asstt. Foreman (Mech.) is fair and justified? To what relief the concerned workman is entitled to?”

2. Neither the Workman concerned/petitioner nor Representative, if any from the Sponsoring Union is reported to be present on date nor did file the much awaited WS on their part hanging over since inception of the very case despite having been issued formal notice dt. 11.01.2016 at the addresses referred in the order of the Reference itself as the case dates back to the year 2015. Since then the proceedings virtually came to a grinding halt for not filing of much awaited WS, the onus that rests with the Union. The case is all about non regularization of the workman to the post of Asstt. Foreman (Mech.) by the Management seeking relief there under. Contrary to it, Mr. D.K.Verma, Ld. Advocate from the Management side is reported to be present not for this time but all along since inception of the case.

From perusal and emphatically scrutiny of the case record, it appears apparently clear the workman or his representative has all along remained absent since its inception and proved failure even in filing of WS despite providing ample opportunities and taking no less than ten adjournments as reflected through Order sheets of the record. It shows the conduct and manner, the workman walks, has lost interest at all to get the case to final adjudication, simultaneously the Tribunal do not find justification to adjourn the case suo motto for uncertainty, rather push for closure immediately owing to reluctance of the workman concerned as the workman has in no way ever showed seriousness for adjudication. Under such circumstances, the case is closed; and accordingly an Award of ‘No Dispute Award’ is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या: 35/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/365/1999-आई. आर. (सी -I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 35 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 08.11.2017.

[No. L-20012/365/1999-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****Present :** Shri R. K.Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act.,1947

REFERENCE NO 35 OF 2001

PARTIES : Sri A. Khan,
Area President,
BPCMC, E.J.Area, Bhowra, Dhanbad

Vs.
The Project Officer,
Bhowra OCP of M/s. BCCL, PO: Bhowra,
Distt: Dhanbad.

Order No. L-20012/365/99 (C-I) dt.02.02.2000**APPEARANCES:**

On behalf of the workman/Union : None
On behalf of the Management : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 11 Sept., 2017

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/365/99 (C-I) dt.02.02.2000.

SCHEDULE

“Whether the action of the Bhowra O.C.P. of M/s BCCL in dismissing Shri Lakhan Bhuia from the services of the Company w.e.f 26.06.97 is justified ? If not, to what relief the workman is entitled?”

2. None appeared on either side on date despite issuance of Regd. Notices dt. 12.03.2002 and 06.07.2017 besides one Show Cause Notice at the addresses both the parties under the case referred in the Order of the Reference itself even after availing of adjournments not less than five times .Onus of filing of the WS rests with the Union/workman concerned who did not make appearance during the time nor did bother to file W.S. after rolling out as above Reference .So did the Management side too. Due to non appearance either sides no further headway in the case as the Sponsoring Union allegedly failed to move the case paving the way to let proceedings of the Court come to grinding halt since long .The case relates to dismissal of the Workman seeking relief from the Management challenging the alleged act of dismissal.

By going through the file & materials available on the case records, it transpires to dispel the doubts that the Sponsoring Union/workman seems to be in no hurry to file the WS. pending on their part since long as fact reflected in the order- sheet neither the Sponsored Union nor the workman appeared to be interested any more to get the case to finality through adjudication as no further step reported advanced despite more than five adjournments .It reflects the fact the real issue indeed ceases to exist in fact owing to utter reluctance on the part of the workman /union. It is of no use setting the case to be rolling further dates rather wraps it up for final closure presuming no more industrial dispute between the parties, as of now. Moreover this definitely points out to utter reluctance and unwillingness especially on the part of the workman/union to put the case for final adjudication but help add up piling pendency of cases. Under the circumstances, it would not be proper to keep the case alive further in the interest of natural justice .So the case is closed as “No Industrial Dispute”. Accordingly an order of ‘No Dispute Award’ is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या: 17/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-22012/68/2003-आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2771.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of M/s. E.C.L and their workmen, which was received by the Central Government on 17.11.2017.

[No. L-22012/68/2003-IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 17 OF 2004

PARTIES : The management of Girmint Colliery of M/s. ECL

V/s

Shri Babulal Hembram

REPRESENTATIVES:

For the management : Shri P. K. Das, Learned Advocate

For the union (Workman) : Shri Rakesh Kumar, Union Representative

INDUSTRY: COAL

STATE : WEST BENGAL

Dated : 23.10.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/68/2003-IR(CM-II)dated 09.02.2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Girmint Colliery of M/s. ECL in dismissing Sh. Babulal Hembram U.G. Loader w.e.f. 28.07.1997 is justified? If not, to what relief the workman concerned is entitled to and from which date? ”

1. Having received the Order No. L-22012/68/2003-IR(CM-II) dated 09.02.2004 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 17 of 2004 was registered on 16.02.2004. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workman Shri Babulal Hembram has filed written statement through his union representative. He has alleged in his written statement that he was a permanent employee of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited as Underground Loader, U.M. No. 28985. He was charge sheeted on 27.12.1996 for his absence from 10.05.1996. He replied to the charge sheet and requested to the management for allowing him to join his duty but he was not allowed. The management appointed Enquiry Officer and enquiry was conducted. The workman participated in the Enquiry Proceeding and stated during Enquiry Proceeding that his wife was died so he was mentally disturbed and could not perform his duty. He requested to the management to allow him to join the duty. Management did not consider his request and decided to dismiss him from the service of the company w.e.f. 28.07.1997. The workman was absent merely for near about 7 (Seven) months. The punishment of dismissal of management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited is harsh. The management did not serve 2nd Show Cause Notice and violated the guidelines of Coal India Limited. The punishment is disproportionate. He belongs to Scheduled Cast community, which is a weaker section of society. He does not have any source of income. He is at the stage of starvation. The workman has prayed that management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited be directed to re-instate workman with full back wages and with all consequential benefits.

3. The reference belongs to the year 2004. But even after lapse of near about 12 (Twelve) years management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited did not care to file written statement though tribunal has provided ample opportunity to file written statement to the management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited.

4. The workman has filed the following documents :-

(i) Photocopy of the Identity Card of Shri Babulal Hembram, (ii) Photocopy of the Charge Sheet issued to the workman, (iii) Photocopy of the Order of Dismissal dated 28.07.1997, (iv) Photocopy of the Mercy Petition dated 04.11.2010, (v) Photocopy of the Mercy Petition dated 18.11.2010.

The workman Shri Babulal Hembram has filed affidavit in his oral evidence. He has been cross-examined by the learned advocate of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited.

The management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited has not filed any documentary or oral evidence.

5. I have heard the arguments of Shri Rakesh Kumar, learned union representative for the workman and Shri P. K. Das, learned advocate for the management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited

6. Shri Rakesh Kumar, learned union representative of the workman, Shri Babulal Hembram has argued that wife of the workman was ill, ultimately she expired. Due to illness of his wife he was absent from his duty. Management did not allow him to resume duty. The punishment of dismissal is harsh and disproportionate for mere absence of 7 (Seven) months. On the other hand Shri P. K. Das, learned advocate of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited has argued that workman has participated in the Enquiry Proceeding. But he did not file any documentary evidence regarding illness of his wife. Punishment of dismissal is justified.

7. Though, Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited has not filed written statement but still it is undisputed fact that Shri Babulal Hembram had been permanent employee of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited. He has filed copy of Identity Card issued by Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited. He was Underground Loader and his C.M.P.F. account number is BKR-3/907. Neither party to the reference filed copy of Enquiry Proceeding, Enquiry Report, etc. The workman has filed only copy of Charge Sheet and Dismissal Order. The delinquent workman has admitted in Para - 5 of his written statement that he has participated in the Enquiry Proceeding. The workman has not challenged the bona fide and validity of departmental enquiry conducted against him by the management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited. He has only alleged in Para - 8 of his written statement that 2nd Show Cause Notice was not served on him before passing the Order of Dismissal. Since, the workman has not challenged the validity of enquiry. Therefore, it will be presumed that he has admitted the departmental enquiry to be valid, un-biased, legal and has been conducted in compliance of natural justice. If enquiry is bona fide and genuine then merely non-issuance of 2nd Show Cause Notice before passing Order of Dismissal will not adversely affect the departmental enquiry.

8. The delinquent workman in his cross-examination has stated *"Due to my illness I could not attend my duty. I cannot file any medical proof in support of my illness."* The workman has tendered evidence in contradiction to his allegation contained in his written statement. In his written statement he has alleged that due to sickness of his wife he was absent from his duty, but in his cross-examination he stated that due to his sickness he was unable to attend his duty. Even in his written statement he has not mentioned any kind of disease, treatment history, medicine, etc. further he has stated in his oral evidence *"I cannot say the exact name of my disease.....I sent intimation to the management about my illness but I have no proof at present."* There is no allegation in his written statement that he sent intimation the management regarding himself or his wife. His evidence does not inspire confidence. From perusal of documentary as well as oral evidence it is manifest that the absence of workman, Shri Babulal Hembram was deliberate. Therefore

absence from duty for 7 (Seven) months without any justified cause and without intimation to the management is punishable under Certified Standing Order of M/s. Eastern Coalfields Limited.

9. In view of the discussion above the action of management of Girimint Colliery under Sripur Area of M/s. Eastern Coalfields Limited in dismissing Shri Babulal Hembram, Underground Loader w.e.f. 28.07.1997 is justified. The workman is not entitled to any relief.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एम.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 84/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.11.2017 को प्राप्त हुआ था।

[सं. एल-22012/37/2008-आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 84/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. M.C.L. and their workmen, which was received by the Central Government on 16.11.2017.

[No. L-22012/37/2008-IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present: Shri B.C. Rath, Presiding Officer,
C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 84/2008

L-22012/37/2008 – IR(CM-II), dated 11.12.2008

Date of Passing Award – 13th October, 2017

Between :

The General Manager,
Lakhanpur Area, Mahanadi Coalfields Ltd.,
At./Po. Bandhbahal, Jharsuguda.

...1st Party-Management

(And)

The General Secretary,
Brajrajnagar Coal Mines Workers Union,
At./Po. Orient Colliery, Po. Brijrajnagar,
Jharsuguda.

...2nd Party-Union.

Appearances:

M/s. Rakhi Sikdar, Advocate.	...	For the 1 st Party - Management
M/s. P.K. Mallick Advocate	...	For the 2 nd Party- Union

AWARD

This award is directed against the reference with the schedule “whether the action of the management of M/s. MCL in not correcting the date of birth of Shri Ram Chandra Behera as 19.01.1952 instead of 24.4.1949 is legal and justified? To what relief is the workman concerned entitled?” made by the Government of India, Ministry of Labour in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (in short referred to as “the Act”) in the event of an dispute arising between the Management of Mahanadi Cola Fields Limited and their workman.

2. Factual scenario giving rise to the reference may be stated follows:-

The disputant workman namely Shri Rama Chandra Behera was appointed as E.P.G.H under the General Manager, Western Coal Fields Limited pursuant to the appointment letter dated 22.3.1984 issued by the said organization vide Office Order No. WCL/GM/PER-134/55360. As per the said order the disputant workman was directed to produce the original documents of S.L.C., caste certificate, professional and technical qualification certificate, character certificate and five number of photographs within fifteen days of his joining failing which his appointment would stand withdrawn.

3. It is the claim of the workman that at the time of joining he furnished all the required documents. As per his school leaving certificate his date of birth was 19.01.1952. Prior to his joining in the Western Coal Fields Limited he was working as a Peon under Executive Engineer, Upper Kolab Irrigation Division being appointed as such in the year 1976. His service book was opened in the said office showing his date of birth 19.01.1952. But the Western Coal Fields Limited entered his date of birth as on 24.04.1949 in his service register. When it came to his notice he made a representation on 03.10.2000 to the present Management for correction of his date of birth in the service register by producing the copies of S.L.C. and service book of his erstwhile employer. But, the Management turned down his prayer on 27.11.2000 on the ground of the representation being moved in belated stage of his service career. He raised a dispute before R.L.C.(C) Rourkela on 18.8.2006 through the 2nd Party-Union resulting in the reference as stated in supra.

4. The Management has resisted the statement of claim of the 2nd party-Union taking a stand that the disputant workman did not furnish any certificate towards proof of his age and qualification at the time of his joining on 22.03.1984 as a result of which he was subject to medical examination by Colliery Medical Officer keeping in view the provisions enumerated in the Certified Standing Order of the Management. His age was determined 35 years as per the report of the Medical Officer and accordingly the date of birth of the disputant workman was entered as on 24.04.1949 in the service sheet of Form-B register and the disputant workman acknowledged the said entry by lending his L.T.I. as well as signature on the said service sheet of the register without raising any objection to such entry at that time. Hence, the disputant workman was found to have accepted his date of birth 35 years old on 21.04.1984 by putting his signature in Form-B register. According to the Management family welfare survey card was also issued in favour of the workman wherein his date of birth was entered as on 24.04.1949. Though, there is a provision to raise a dispute for correction of date of birth in the Certified Standing Order, the disputant did not raise any objection as per the procedure laid down in the Standing Order till he made a request to the Management for correction of his date of birth in the service record on 06.10.2000. Since the representation was made in a belated stage after sixteen years of service and it was not in accordance to the procedure laid down in the Certified Standing Order, the representation was turned down and the disputant workman is not entitled to any relief as claimed by him.

5. On the aforesaid pleadings of the parties following issues have been settled for just and proper adjudication of the dispute.

ISSUES

1. Whether the action of the Management of M/s. MCL in not correcting the date of birth of Shri Ram Chandra Behera as 19.01.1952 instead of 24.04.1949 is legal and justified?

2. To what relief is the workman concerned entitled to?

6. In order to substantiate its case the 2nd party has examined two witnesses including the disputant workman as W.W.-2 and filed copies of documents like xerox copies of his service book of his previous employer, letter No. WCL:GM:IBU;PER;13A:55360, dated 22.5.1984 issued by the Personnel Manager Ib Valey Area, Brajarajnagar, representation dated 3.10.2000 addressed to Senior Personnel Manager, Lakhanpur OCP, MCL, letter dated 27.11.2000 addressed to him, letter dated 18.8.2006 of General Secretary, BCWMU addressed to R.L.C.(C), Rourkela, letter dated 15.12.2006 of Head Master, M.R. Boys High school, Paralakhemundi, Gajapati addressed to Dy. Personnel Manager, Lakhanpur Area; letter dated 5.1.2007 of Executive Engineer U.K. Head works Division, letter dated 21.8.2007 of De. Secretary (Cert.), Board of Secondary Education, Orissa, Cuttack, letter dated 25.1.2008 of R.L.C.(C), Rourkela addressed to the Govt. of India, Ministry of Labour, copy of the order of the Hon'ble High Court in W.P.(C) No. 14854/2008 and procedure for determination/verification of age of the employees dated 5.2.1981 marked as Ext.-1 to 11. On the other hand the Management has examined its Senior Manager (Personnel), Lakhanpur area and relied on the documents like copies of the medical report dated 21.4.1984, signature of the Medical Superintendent who has signed

on the medical report dated 21.4.1984, service register reflecting the age of the workman, register reflecting date of birth of the workman at Sl. No. 213 and family welfare survey card marked as Ext.- A to D to refute the claim of the disputant workman.

FINDINGS

ISSUE NO. 1

7. Coming to the first issue and rival contentions taken by the parties it is in the pleadings and evidence of the disputant workman that prior to his appointment as E.P.G.H in the Western Coal Fields Limited he was working under the Engineer, Upper Kolab Irrigation Division being appointed as a Peon in the year 1976 and in the service book opened by his erstwhile employer his date of birth is shown as on 19.01.1952. According to him as per his S.L.C. issued in the year 1979 his date of birth is 19.01.1952. Both the documents have not been seriously challenged by the Management and there is nothing either in the pleadings or in the evidence of the Management to doubt the genuineness of both the documents as well as entries made therein. No attempt is seen to have been made by the Management while cross examining the disputant workman to establish that the entries as to the date of his birth made in those documents are not correct. On the other hand it is emerging from Ext.- 6, 7 and 8 that Deputy Personnel Manager Lakhanpur Open Cast Project Belpahar, Jharsuguda was given replies by the Headmaster M.R. Boys High School, Parlakhemundi, Gajapati, Executive Engineer, Upper Kolab Division and the Deputy Secretary, Board of Secondary Education, Odisha, Cuttack respectively to their queries as to the correctness of date of birth of the disputant workman entered in his S.L.C. and service book opened by the Executive Engineer Upper Kolab Division. In their replies all the concerned authorities have confirmed the date of birth of the disputant workman as on 19.01.1952 as well as the genuineness of the documents produced by the workman before the Management. Be that as it may, there is no reason to disbelieve the claim of the 2nd party that the actual date of birth of the disputant workman is 19.01.1952.

8. There is no serious dispute to the fact that the date of birth of the disputant workman is entered as on 24.04.1949 in the B-Form register of the Management so also other connecting records of the Management. It is not also disputed that such entry was made on the basis of medical report under Ext.-A. It is the pleading and evidence of the Management that medical report was taken as a basis for entering the date of birth of the disputant workman as he could not furnish any document towards proof of his date of birth at the time of his joining in the Management. On a close reading of Ext.-A it is seen that there is nothing in the said report to suggest that the report was called for and the disputant workman was subjected to medical examination on account of his failure to furnish any document towards proof of his age. Further-more, the report is silent as to the method and mode of test on which the Medical Officer came to his opinion on the age of the disputant workman. Law is also well settled in respect to medical jurisprudence that accuracy of determination of age depends upon the various tests and there would be an error of two to three years by either side in Ossification Test conducted for the purpose of determination of age. In the above back-drops the date of birth as entered in the B-Form register cannot be accepted accurate or genuine merely in the event of the disputant workman lending his signature and thumb impression on those papers. Furthermore, it is emerging from the cross examination of M.W.-1 that the disputant workman is a literate person and as per the procedure for determination/verification of age of the employees as contemplated under the Certified Standing Order determination of the age of a non-matriculate but an educated employee is to be made on the basis of date of birth recorded in the S.L.C. and the same shall not be altered under any circumstances. In that view of the matter when the disputant workman is found to be literate and signed the B-Form a duty was cast upon the Management to insist the production of S.L.C. even the said workman could not furnish any certificate towards proof of his age at the time of his joining and not reflected the same while sending him for medical examination for determination of his age. In absence of any entry in the official records as to the reason for sending the disputant workman for medical examination the pleadings of the Management as well as the entry with regard to date of birth in B-Form register should not be accepted.

9. The Management seems to have turned down the representation of the disputant workman solely on account of the dispute having been raised sixteen years after joining of the disputant workman. Nothing has been produced or adduced before the Tribunal on behalf of the Management to substantiate that an employee/workman is required to raise a dispute with regard to his date of birth within a stipulated period. Moreover, the Certified Standing Order has a proviso to review/determination of date of birth in respect of existing employees. As per the said provisions of the Certified Standing Order when there is a very glaring and apparent wrong entry brought to the notice of the Management, the Management after being satisfied on the merit of the case will take appropriate action for correction through age determination committee/medical board. It also provides that wherever there are variations, a suitable provision for age determination committee or medical board should be made and the said committee/Board will be constituted by the Management. The committee may consider the evidence available with the Management or adduced before it by the employee and to determine the age. There is nothing either in the pleading or evidence of the Management to suggest that any committee or Board was constituted for determination of the date of birth of the disputant workman before his request was turned down.

10. Admittedly, the disputant workman had raised the dispute after sixteen years of his joining. But, the said dispute cannot be stated to have been raised at the verge of his superannuation since as per the said entry the year of his superannuation was 2009. In this regard law is well settled that at the fag end of career a party cannot be allowed to

raise a dispute regarding his date of birth. In the case at hand the disputant workman raised the dispute much before of his superannuation. That apart it is also well settled that a Government servant who has declared his age at the initial stage of the employment, of course, not precluded from making a request later on for correcting his age. It is open to a civil servant to claim correction of his date of birth, if he is in possession of irrefutable proof relating to his date of birth as different from the one earlier recorded and even if there is no period of limitation prescribed for seeking correction of date of birth, the Government servant must do so without any unreasonable delay. It is also propounded by the Hon'ble Apex Court in a catena of decisions including the case between Secretary & Commissioner, Home Department and others-versus- R. Kirubakaran passed in Civil Appeal No. 5076/1993 and in the case State of U.P. and Ors. – versus- Smt. Gulaichi passed in Civil Appeal No. 5207/2003 that an application for correction of date of birth should not be dealt with by the Courts, Tribunals or by the High Court keeping in view only the public servant concerned, unless a clear case on the basis of materials which can be held to be conclusive in nature, is made out by the employee, the Court or the Tribunal should not issue a direction, on the basis of materials which make such claim only plausible. The employee has to produce the evidence in support of such claim, which may amount to irrefutable proof relating to his date of birth. Whenever, any such question arises, the onus is on the applicant to prove about the wrong recording of his date of birth in his service book. In many cases it is a part of strategy on the part of public servants to approach the court or the Tribunal on the eve of their retirement questioning the correctness of the entries in respect of their date of birth in the service books the Court or the Tribunal must, therefore, be slow in granting any relief unless evidence of unimpeachable character is produced. Keeping in view the analysis made in supras and the principle set out by the Hon'ble Apex Court it cannot be stated or held that the disputant workman was late in raising the dispute or he has no genuine claim to raise such a dispute in the belated stage. On the other hand there is no specific period of stipulation in the Standing Order of the Management within which the disputant workman was to raise the dispute. Moreover, he had raised the dispute as much as in the year 2000 and the dispute was raised on the basis of concrete and credible documents such as S.L.C. issued in the year 1979 and service book opened in the year 1976 by his erstwhile employer. The entries in those documents cannot be over-looked and thrown out when their correctness and genuineness are never questioned by the Management. Thus, the date of birth of the disputant workman is 19.01.1952 which is conclusive and irrefutable in nature. In the above circumstances the action of the Management of MCL in not correcting the date of birth of the disputant workman as 19.01.1952 in his B-Form register/service book is illegal and unjustified. The decisions relied upon by the Management are not applicable in the instant case as the facts and circumstances of those cases are clearly distinguishable to the present one and in those cases the employee put-forth his grievances at the far end of his service.

ISSUE NO. 2

11. Coming to the issue of relief to which the disputant workman is entitled to it is apparent on the face of the record that he has already been superannuated in the year 2009 on the basis of wrong entry of his date of birth as on 24.04.1949 and he has also completed the age of superannuation if the date of his birth is corrected as on 19.01.1952. Hence, no relief of reinstatement can be granted to the disputant workman. However, had his representation for correction of his date of birth is accepted by the Management he could have continued in service till 31.01.2012 and could have availed all financial benefits in his pay scale being treated in service. At the same time it cannot be over-looked that he did not render any service in between 01.05.2009 to 31.01.2012 and he approached the labour machinery for such correction of his date of birth in the year 2006, though there is no period of limitation to raise such dispute under the Industrial Disputes Act. Had he raised the dispute earlier soon after his representation was turned down the Management could avail his service in between the year 2009 to 2012 after award of this Tribunal.

12. Having regard to the above facts and circumstances I feel it just and appropriate to direct the Management to extend 65% of the financial benefits to which the disputant workman would have availed in the event of his continuance in service till 31.01.2012. The above benefits should be paid to the disputant workman within two months of the notification of the award in the official gazette failing which the workman is entitled to interest at the rate 7% on the benefit amount from the date of this award.

13. Reference is answered accordingly.

Dictated and Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/सह-श्रम-न्यायालय आसनसोल के पंचाट (संदर्भ संख्या: 62/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.11.2017 को प्राप्त हुआ था।

[सं. एल-22012/100/1996-आई. आर. (सी -II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. E.C.L. and their workmen, which was received by the Central Government on **16.11.2017**.

[No. L-22012/100/1996-IR(C-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 62 OF 1997

PARTIES : The management of Jambad Colliery of M/s. ECL

v/s

Sri Anandi Das

REPRESENTATIVES:

For the management : Shri P. K. Das, Learned Advocate

For the union (Workman) : Shri Rakesh Kumar, Union Representative

INDUSTRY: COAL

STATE : WEST BENGAL

Dated : 17.10.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter NO. L-22012/100/96-IR(C-II), dated 12.09.1997 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Kajora Area of M/s. ECL in denying dependent employment to Sh. Anadi Das, son of Sh. Sahdeb Das is legal and justified? If not, to what relief Sh. Anadi Das is entitled? ”

1. Having received the Order NO. L-22012/100/96-IR(C-II) dated 12.09.1997 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 62 of 1997 was registered on 16.10.1997. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Shri Anandi Das has alleged in his written statement that his father Shri Sahadeb Das had been working as Tyndal at Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited. He was declared medically unfit in the year 1983 while in service of the company and accordingly his name was removed from the role of the company. Shri Sahadeb Das nominated his son-in-law for providing employment in his place because his son namely Shri Anandi Das was minor at that time and was not eligible for appointment in the company as per existing rules. Subsequently Shri Sahadeb Das realized that his son-in-law shall not maintain him and his family even if he was offered employment. Therefore Shri Sahadeb Das was compelled to change the nominee in favour of his son. His son, Shri Anandi Das fortunately attained majority at that time and was eligible for employment. Shri Anandi Das submitted paper for employment. The management of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited somehow manage to delay the matter and offer of employment could not be issued. Therefore union has raised the industrial dispute.

3. The Agent of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited filed written statement. He has alleged that Shri Sahadeb Das, Ex-Tyndal of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited applied for voluntary retirement from his service on medical ground and he was declared medically unfit. Accordingly his service was terminated. The ex-employee submitted his application, nominating one Shri Bhagwan Das alleging him to be his son-in-law. After termination of service, the ex-employee did not fulfil the other requirement for processing employment in favour of the said nominee. In view of the above position there was no scope for management to materialize the claim for employment. After the lapse of 11 years, one Shri Anandi Das submitted an application before the Agent of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited on 07.02.1994 stating that the alleged nominee of Shri Sahadeb Das has severed all connection with them as such the claim for the employment was abandoned. The claim of union for employment is vague, indefinite and frivolous. The applicant is not entitled to any relief.

4. The applicant has filed the following documents :-

(i) Photocopy of the Letter No. 967, dated 04.10.1994, raising dispute by the union before ALC(C), Raniganj, (ii) Photocopy of the Written Statement submitted by the management dated 27.12.1994, (iii) Photocopy of the Rejoinder submitted by the union, (iv) Photocopy of the Application of Shri Anandi Das claiming employment, (v) Photocopy of the Relationship Certificate in respect of Shri Anandi Das, (vi) Photocopy of the Attestation Form signed by B.D.O., (vii) Photocopy of the List of Family of Late Sahdeo Das signed by the B.D.O., (viii) Photocopy of the Cast Certificate, (ix) Photocopy of the Affidavit of Shri Anandi Das, S/o Late Sahdeo Das, (x) Photocopy of the Letter of Dy. C.P.M. of Kajora Area addressed to the Agent of Jambad Colliery, (xi) Photocopy of the Minutes of the meeting held with G.M. (P&IR), ECL, (xii) Photocopy of the Provisions of Wage Agreement / NCWA regarding employment to the dependent, (xiii) Photocopy of the Letter of Director (P&IR) addressing to the Director, ECL, (xiv) Photocopy of the Minutes of the meeting held with GM (Pers.) on 29.11.1996.

The applicant Shri Anandi Das has filed affidavit in his oral evidence. He has been cross-examined by the learned advocate of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited

The management of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited has filed the following documents :-

(i) Photocopy of the Application for voluntary retirement submitted by Shri Sahdeo Das, ex-Tyndal, (ii) Photocopy of the Application submitted by Shri Anandi Das dated 06.02.1994.

The management of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited has not filed affidavit.

5. I have heard the arguments of Shri Rakesh Kumar, learned union representative on behalf of the applicant and Shri P. K. Das, learned advocate for the management.

6. Shri Rakesh Kumar, learned union representative on behalf of the applicant, Shri Anandi Das has argued that as per bipartite agreement the dependent son who is unemployed is entitled for employment. The management cannot refuse for providing employment to Shri Anandi Das as per provisions of National Coal Wage Agreement. On the other hand Shri P. K. Das, learned advocate of the management has argued that the deceased employee Shri Sahdeo Das proposed employment for his son-in-law. If son is alive then the son-in-law is not entitled for employment. But, afterward the deceased employee substituted the name of nominee in place of son-in-law. The purpose of employment as per National Coal Wage Agreement is to provide financial support. The provision of National Coal Wage Agreement does not guarantee employment. In reply, Shri Rakesh Kumar, learned union representative of the workman argued that since Shri Anandi Das the deponent son of Shri Sahdeo Das was minor therefore Shri Sahdeo Das propose the name of his son-in-law but when he realised that his son-in-law will not maintain the family of Shri Sahdeo Das the ex-workman Shri Sahdeo Das change his mind.

7. “9.4.3 Employment to one dependant of a worker who is permanently disabled in his place :-

- (i) *The disablement of the worker concerned should arise from injury or disease, be of a permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.*
- (ii) *In case of disablement arising out of general physical debility so certified by Coal Company concerned, no arising out of injury or disease as in Para (i) above, the concerned employee will be eligible for the benefit under this Clause if the employee is up to the age of 58 years.*
- (iii) *The dependant for this purpose means the wife / husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, younger brother, widowed daughter / widowed daughter-in-law or son-in-law residing with the employee and almost wholly dependent on the earnings of the employees may be considered.”*

8. From perusal of above bipartite agreement it is apparent that, if disability is due to general physical disability, it must be certified by the concerned coal company. Neither there is medical report nor any certificate from doctor regarding physical disability of the ex-workman Shri Sahdeo Das. If applicant is claiming on the basis of National Coal Wage Agreement then he ought to have fulfilled the conditions mentioned in the National Coal Wage Agreement. The applicant has not mentioned the name of brother-in-law who was nominated for employment by his father Shri Sahdeo Das. As per Clause 9.4.3 (iii) for the eligibility of the son-in-law for employment that son-in-law not only will be dependent on father-in-law who is in employment of the company but also he must reside with his father-in-law. The applicant has not mentioned this fact in his written statement that his brother-in-law residing with his father and was depended on him. The applicant Shri Anandi Das has stated in his evidence that *"I do not know the name of my brother-in-law. I was aged about 12-13 years."* Even if a boy at the age of 12-13 years very well can remember the name his brother-in-law. Therefore the evidence of the applicant do not inspire confidence. Further he was stated *"I do not remember as to whether I have any paper to show that my father nominated me."* If the brother-in-law of the applicant, Shri Anandi Das had been residing with his father-in-law and dependent on him the applicant Shri Anandi Das must be aware of this fact. Even Shri Anandi Das, the applicant neither mentioned his age when he became major and when he applied for job. The purpose of National Coal Wage Agreement is to provide financial support by offering employment in M/s. Eastern Coalfields Limited, but it does not and cannot permit entry from backdoor.

9. In view of discussion above the action of management of Jambad Colliery under Kajora Area of M/s. Eastern Coalfields Limited in denying employment to Shri Anandi Das son of Shri Sahdeo Das ex-Tyndel is legal and justified. The applicant Shri Anandi Das is not entitled to any relief.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या: 60/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.11.2017 को प्राप्त हुआ था।

[सं. एल-22012/244/1998-आई. आर. (सी.एम.-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 4th December, 2017

S.O. 2774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. E.C.L. and their workmen, which was received by the Central Government on 16.11.2017.

[No. L-22012/244/1998-IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Ref. : Ministry's Order No. L-22012/244/98-IR (CM-II), dated 04.05.1999 This office Reference No. 60 of 1999, dated 07.06.1999

Management of Parascole Colliery under Sripur Area of M/s. ECL

V/S

Late Shri Artha Torai

SETTLEMENT IN LOK ADALAT

Held on 2nd November, 2017 at C.G.I.T.-cum-L.C., Asansol

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The Form 'H' containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 02/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/31/2016-आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2775.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. II, Dhanbad

(Ref. No. 02 of 2017) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/31/2016-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D.Act. 1947

Reference No. 02 of 2017

Employer in relation to the management of E.J. Area of M/s. BCCL.

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K.Verma, Advocate.

For the Workman : Shri Sadhan Banerjee, Rep

State: Jharkhand.

Industry : Coal

Dated : 06.11.2017

AWARD

By order No.-L-20012/31/2016 IR-(CM-I), dated. 06.02.2017 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.194, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL in terminating the service of Shri Bijay Manjhi pers. No. 03003043, Miner Loader without conducting enquiry in fair and legal manner is legal and justified? If not, to what relief the workman is entitled to and from which date?”

2. The case is received from the Ministry of Labour on 24.02.2017. After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 21.03.2017. And the management files their written statement-cum-rejoinder on 03.08.2017. The point involved in the reference is that the workman has been dismissed from his services w.e.f 17.08.2006.

3. During preliminary hearing of this case, domestic enquiry held by the management is accepted by the Sponsoring Union/workman as Fair & Proper .

4. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence. But he has already out of service since last 11 years. It is felt to give another chance to the workman concerned to serve.

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee in cat-I. But the workman be kept under probation for a period of two year. Therefore the question of back wages does not arise at all.

This is my award .

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2776.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 08/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/71/2006-आई. आर. (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2776.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 08 of 2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/71/2006-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1)(d) (2A) of I.D.Act, 1947

Reference No. 08/2007

Employers in relation to the management of P.B. Area of M/S BCCL

And

Their workman

Present : Shri R.K.Saran, Presiding Officer

Appearance:

For the Employers : Shri D. K.Verma, Advocate

For the workman : Shri N.M.Kumar, Advocate

Industry :- Coal

Dated : 02/11/2017

AWARD

By order No. L-20012/71/2006/IR (CM-I) dated 06/02/2007, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of Management of Balihari Colliery of M/S BCCL in not providing employment to Smt. Chandmuni Bhuni, dependant wife of Late Gondu Bhuia under Clause 9:3:2 of NCWA is justified and legal? If not, to what relief is the concerned dependant of Late Gondu Bhuia entitled?”

2. The case is received from Ministry of Labour on 21.02.2007. The Sponsoring Union/workman files written statement on 26.10.2010, but after long delay the management files their written statement on 21.11.2011. Thereafter rejoinder and document filed by the parties. But no witness examined and no documents marked from either side.

3. The case of the sponsoring Union is that Late Gondu Bhuia was permanent employee of Balihari Colliery under P.B.Area of M/S BCCL as Miner Loader and who died on 25.10.1995 during his service period, and after death of deceased workman he left behind his only dependant wife Smt. Chandmuni Bhuini. She submitted all necessary document for her employment in the month of November 1995 before the management to get job in place her deceased husband as per provision of 9:3:2 of NCWA.

4. It is further submitted by the Sponsoring Union that the widow of deceased workman submitted many application before the management for providing employment but the management of Balihari Colliery did not take any interest and after long delay the management issued letter on 01.11.1999 for submitting necessary document for employment then Smt Chandmuni Bhuni submitted all necessary document before the management on 29.11.1999. But the management did not provide employment to Smt. Chandmuni Bhuni and also not communicated any letter as to what action taken by the management. Hence the Industrial dispute arose.

5. On the other hand the case of the management is that under NCWA provision, compassionate appointment to the dependant of the deceased employee who died while in service is available. But for purpose of implementation of NCWA the then CMD of the Company issued a direction and fixed 18 months time to submit application by the dependant of employment under the provision of NCWA.

6. As per circular of CMD it is specially mentioned that no application of compassionate appointment will be considered if the same is filed beyond the period of limitation of 18 months. But the applicant applied for employment after the lapse of five years i.e beyond the period of limitation prescribed by the CMD. Hence her application was regretted as belated case of 1995.

7. It Sponsoring Union raised the present dispute in the year 2006 i.e after the lapse of 11 years from the date of death of the deceased employee. Present dispute is stale dispute and not competent for adjudication. it is also mentioned that after the issuance of order of reference in 2007 the sponsoring union files written statement on 26.10.2010, after the lapse of 3 years.

8. This is a reference to determine to ascertain as to whether the applicant lady is entitled to compassionate appointment or not. The management resisted the claim, and disputes the identity of the applicant.

9. As per NCWA if any workman died during job, his one of the competent legal heir is entitled to job or in lieu of job the monetary compensation. On perusal of service excerpt it is noticed that smt. Chandmuni Bhuini wife of deceased workman is 21 years of age on 1987, it means now she is aged about 52 years of age.

10. Since there is already delay, it is ordered to grant monetary compensation to the deceased heir. Therefore the management is directed to pay monetary compensation to the wife of the deceased from the date of reference made by the appropriate Govt. after verifying identity.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 22/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/9/2007—आई. आर. (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2777.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 22 of 2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/9/2007-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D.Act.1947

Ref. No. 22 of 2007

Employer in relation to the management of C.V.Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances :

For the employers : Shri S.N.Ghosh, Advocate

For the Workman. : Shri Lala Sahadeo Prasad,Rep.

State :- Jharkhand

Industry : Coal

Dated: 06.11. 2017

AWARD

By order No. L-20012 /9 /2007/IR (CM-I) dt. 17.04.2007, the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section(1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Basantimata colliery of M/s. BCCL in dismissing the service of Sri Fulchand Bhuia, Timber Mistry w.e.f. 18.03.2004 is justified and legal? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties are noticed. During the pendency of the case, Ld. joint General Secretary of the Sponsoring Union appears and submits that the workman does not want to contest the case. Therefore it is felt that the dispute between parties is resolved in the meantime. Hence No.Dispute award passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टिस्को लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 98/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/17/1996-आई. आर. (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2778.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 98 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Tisco Ltd., and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/17/1996-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 98/1997

Employer in relation to the management of Jamadoba Colliery of M/s. TISCO

AND

Their workman

Present : Sri R.K. SARAN, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry- Coal

Dated : 03.11.2017

AWARD

By order No. L-20012 /17/1996-IR(CM-I) dated 01.04.1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Jamadoba Colliery of M/S. TISCO in denial to provide alternative employment to dependant of Sri Govind Bhuia, Miner is justified? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workman none appears subsequently but management is present. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Office

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 29/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/273/1997-आई. आर. (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2779.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 29 of 1998) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/273/1997-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 29/1998

Employer in relation to the management of Sudamdih Area, M/s. BCCL

AND

Their workmen

Present : Sri R. K. Saran, Presiding Officer.

Appearances:

For the Employers : None

For the workman . : None

State : Jharkhand

Industry- Coal

Dated : 03.11. 2017

AWARD

By order No. L-20012 /273/1997-IR(C-1) dated 15.05.1998, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union in demanding regularisation in respect of S/Shri Paltan Singh, Durga Prasad Singh, Antosh Singh and Madhu Singh as cat-I Mazdoor is justified? If yes, to what relief are these workmen entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 56/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/159/1994—आई. आर. (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2780.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 56 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/159/1994-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 56/1997

Employer in relation to the management of Block II Area of M/s. BCCL

AND

Their workman

Present : Sri R.K. SARAN, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman . : None

State : Jharkhand

Industry- Coal

Dated : 06.11. 2017

AWARD

By order No. L-20012 /159/1994-IR(C-I) dated 18.02.1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand by the union for the revision of the date of Birth of Shri Nandji Gope Ex-UG Trammer, Nadkhurkee OCP is legal and justified? If so, to what relief is the workman entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workman none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.—1, धनबाद के पंचाट (संदर्भ संख्या: 52/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/504/1995—आई. आर. (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2781.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 52 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/504/1995-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 52/1997

Employer in relation to the management of Telulmari Colliery of M/s. BCCL

AND

Their workman

Present: Sri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry- Coal

Dated : 03.11. 2017

AWARD

By order No. L-20012 /504/1995-IR(CM-I) dated 11.02.1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Tetulmari Colliery of M/s. BCCL in dismissing the service of workman Shri Satrugan Chouhan is justified? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workman none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या: 42/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2017 को प्राप्त हुआ था।

[सं. एल-20012/448/1994-आई. आर. (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2782.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 42 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 29.11.2017.

[No. L-20012/448/1994-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No.42/1997**

Employer in relation to the management of Loyabad Coke Plant of M/s. BCCL

AND

Their workman

Present: Sri R.K. Saran, Presiding Officer**Appearances:**

For the Employers : None

For the workman . : None

State : Jharkhand

Industry- Coal

Dated : 3.11.2017

AWARD

By order No. L-20012 /448/1994-IR(C-I) dated 05.02.1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the claim of the Union that the management of Loyabad Coke Plant of M/s. BCCL had illegally denied to allow re-employment of S/Sh Anil Hari , Gendu Dusadh, Sitaram Bhuia and Barfu Bhuia is correct and justified? If so, to what relief are these persons entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workman none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडसइंड बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या: 5/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.12.2017 को प्राप्त हुआ था।

[सं. एल-12011/81/2014-आई. आर. (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2783.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5 of 2015) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of Indus Ind Bank Limited and their workmen, which was received by the Central Government on 05.12.2017.

[No. L-120011/81/2014-IR(B-I)]

B. S. BISHT, Section Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

BHARAT PANDEY

PRESIDING OFFICER

I.D. 5/2015**Reference No. L-12011/81/2014-IR (B-I) Dated: 13.11.2014**

The Regional Secretary
Rajasthan (State) Bank Employees Welfare
Forum (Regd.), Behind Kali Mai Temple, Foy Sagar
Road, Ajmer.

V/s

1. The Zonal Manager
Indus Ind Bank Limited
Unique empire Tower
Amparpali circle, Vaishali Nagar,
Jaipur.
2. The Branch Manager
Indus Ind Bank Limited
Olympic tower, Station Road,
Jodhpur.

AWARD
6.9.2017

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2 (A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:-

“Whether the demand of Regional secretary, Rajasthan (State) Bank employees welfare forum (regd.) for regularization of services of S/Shri Sunil Kumar Bora, Mana Ram and Virendra Singh temporary contractual workers, by the management of Indus Ind Bank Ltd Is justified or not? If yes, what relief the workmen are entitled to and from which date”

2. According to statement of claim briefly fact of the case is that applicants Sh. Sunil Kumar Bora, Sh. Mana Ram & Sh. Virendra Singh are working in the Indus Ind Bank Ltd w.e.f. Dec 2001, April 2003 & April 2009 respectively as temporary contractual workers on the post of Office Attenders. Applicants workmen requested many time to the bank management to regularise their services but management of the bank adopted reluctant attitude. The contract labour system adopted by bank management is sham & camouflage to avoid the benefits of regular employees of the bank although the applicants are continuously performing the same duties which are being performed by permanent employees. It has been held by Hon’ble Supreme Court in the case 2001 SCC, L&S, 1121, Steel Authority of India Ltd v/s National Union Waterfront Workers that the term ‘contractual labour’ is a specie of workman.

3. It has been further alleged in para 6 of statement of claim that in 2009 (1) SCC L&S 661, General Manager, Oil & Natural Gas Commission v/s Contractual Worker’s Union, it is settled that the Industrial Tribunal is empowered to adjudicate a dispute relating to regularisation of services of the employees working as contract workers. The bank management stated before the Conciliation Officer that bank has a contractual arrangement with M/s Knight Frank India Pvt Ltd for providing the services of certain nature & this firm has further engaged a sub-contractor, Express House Keeper Pvt Ltd which has engaged the services of the applicants. The statement of the bank before the Conciliation Officer was wrong, fanciful & contrary to the factual position.

4. In para 8 of the statement of claim it has been alleged that applicants are enclosing photo state copy of attendance sheet for January, 2011 of Susmita Contractors Pvt Ltd to indicate that Susmita Contractors Pvt Ltd has placed their attendance register at Indus Ind Bank Ltd, Olympic Tower Branch, Jodhpur for marking attendance by the workers working in this branch. The name of the applicants are shown at serial number 1,2,3 in the attendance sheet for January, 2011. Thus, the applicants in para 9 of statement of claim have alleged that from the perusal of the photo copy of the attendance sheet it is established that the contract as stated by the bank is sham & Camouflage to deprive the applicants from benefit of a regular employee hence, it has been prayed that the management may be directed to regularise the services of applicants w.e.f. completion of two years of service of each workmen.

5. In reply to statement of claim Indus Ind Bank Ltd has denied that the applicants are not the employee of the bank. The bank has alleged that applicants were working with Jodhpur branch of the bank but they are working as contract workers & bank has no obligation against the workmen because they are employees of the contractor. The bank has specifically denied that applicants made any request with management of the bank for regularisation of their service because there was no reason for them to make such request of regularisation.

6. About finding of the Hon’ble Supreme Court referred in para 5 of the statement of claim it has been alleged that detailed reply was submitted before the conciliation officer about the quoted judgement by the applicant which may be treated as part of reply to statement of claim. The relationship of master & servant between bank & workmen has been specifically denied by the bank against para 5 of statement of claim. Reference has been made to 1994 II CLR 402, R.K.Panda & Ors. v/s Steel Authority of India & Ors with contention that observation made by Hon’ble Supreme Court in the R.K.Panda’s case is relevant wherein it has been held that no right flows from the provisions of Contract Labour Act in favour of contract labourers to be absorbed or to be declared as a employee of the principle employer.

7. It has been mentioned that bank had contractual arrangement with contractor M/s Knight Frank India Pvt limited who appointed M/s Express House Keepers Pvt limited as their sub contractor. Against para 8 of statement of claim it has been alleged that contention in para 8 of the statement of claim itself shows that applicants are not the employees of the bank & they are contract labourers of M/s Sushmita Contractors Pvt Ltd who had placed their attendance sheet at branch office of the bank. It has been further alleged that for all purposes applicants are the employees of the contractor & contractors are providing the services, supervising the work of contract labourers, maintaining their attendance register, paying salary & supervising their work. It has been further alleged that as per the provisions of Contract Labour (Regulation & Abolition) Act, 1970, contract labour can be provided by the contractor on certain terms & conditions & in that event employer-employee relationship lies with the contractor & contract worker & bank cannot be held liable for anything between contractor & their contract employee. Applicants are not in the employment of the bank & for all purposes they are employee of the contractor & not entitled to relief of regularisation in the service of the bank.

8. On 5.9.2017 case was fixed for rejoinder & document to be filed by applicant. Neither applicant appeared nor rejoinder & document were filed. None appeared on behalf of non-applicant also. From the perusal of order-sheet it appeared that applicant does not appear to be interested in continuing the case & participating in day to day proceeding of the case. Since 8.8.16 till 5.9.17 none among the applicants appeared in person & learned representative of the applicant had made appearance only on 7.12.16 after passing of the order for the day & later on 22.1.17. In above fact & circumstances & due to lack of interest of the applicant side further proceeding in the case was closed on 5.9.17 & the case was reserved for the award.

9. It is pertinent to mention that due to lack of the interest of the applicant in continuing the case further & due to absence of evidence it is not practicable to answer the reference made by Central Government for adjudication. In absence of evidence I am of the view that applicant has failed to prove that demand of Regional Secretary, Rajasthan (State) Bank Employees Welfare Forum (Regd.) for regularization of services of S/Shri Sunil Kumar Bora, Mana Ram and Virendra Singh, temporary contractual workers, by the management of Indus Ind Bank Ltd is justified. Thus, applicants are not entitled to any relief. Their statement of claim is dismissed accordingly.

10. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडसइंड बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या: 47/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.12.2017 को प्राप्त हुआ था।

[सं. एल-12012/84/2013-आई. आर. (बी-1)]

बी.एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2784.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 47 of 2013) of the Cent.Govt.Indus. Tribunal-cum-Labour Court Jaipur as shown in the Annexure, in the Industrial Dispute between the management of Indus Ind Bank Limited and their workmen, which was received by the Central Government on 05.12.2017.

[No. L-12012/84/2013-IR(B-I)]

B. S. BISHT, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM LABOUR COURT, JAIPUR

BHARAT PANDEY
PRESIDING OFFICER

I.D. 47/2013

Reference No. L- 12012/84/2013-IR (B-I) Dated: 9.9.2013

Sh. Umrnan Charan
S/o Shri Sawaldan Charan
House No.596, Sector-23,
Chopasani Housing Board
Jodhpur.

V/s

1. The Zonal Manager
Personal Product Division(Raj.) IndusInd Bank Ltd, Unique Inspire Tower, Amarpali Circle,
Vaishali Nagar, Jaipur.
2. The manager
Indusind Marketing & Finance services Limited
Field Officer (P.E.) Indusind Bank Ltd.,
City Centre, Station Road, Jodhpur.

Present :

For the Applicant : Sh. C.D. Chaturvedi, Representative.

For the non-applicants : Sh. Surendra Sharma, Advocate.

AWARD

20.9.2017

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2 (A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:-

“क्या प्रबंधन इण्डसइण्ड बैंक लि., जोधपुर ने श्री उमरदान चारण क्रेडिट वेरीफिकेशन ऑफिसर को आदेश दिनांक 22.02.2013 के द्वारा नौकरी से निकाला जाना न्यायोचित तथा न्याय संगत है? यदि नहीं तो कर्मकार किस अनुतोष का अधिकारी है?”

2. According to statement of claim briefly fact of the case is that the applicant Sh. Umardan Charan, workman was appointed to the post of Credit Verification Officer w.e.f. 1.4.2011 vide appointment letter dated 16.4.2011. His employee number was enrolled as R-10549. He was given one year probation period which was extended by management to 1.7.2012. It has been further alleged that even after extension of his probationary period he was legally entitled to obtain confirmation order from the management but instead of confirming the services of the applicant his services were terminated w.e.f. 28.2.2013 vide order dated 22.2.2013.

3. It has been further alleged that after extension of his probation period upto 1.7.2012 there was no further extension of probation hence, the factual position was that he was to be deemed confirmed w.e.f. 2.7.2012 & as such his termination vide order dated 22.2.2013 & treating him under probation at the time of termination is illegal & arbitrary. By terminating the services of the applicant bank management has violated the statutory provision of section 25-G & 25-F of Industrial Disputes Act, 1947. The management has further violated Rule 76 & 77 of Industrial Disputes (Central) Rules, 1957.

4. It has been prayed by applicant that he may be reinstated in service w.e.f. 1.3.2013 with back wages & continuity in service. It has been further prayed that management be asked to declare the confirmation of the applicant w.e.f. 2.7.2012.

5. In para wise reply to statement of claim it has been alleged against para 1 that it requires no answer which is related to record. Statement in para 2 has been denied with further contention that it is in the knowledge of the applicant that his job is based on certain terms & conditions as mentioned in the appointment letter hence, applicant is not entitled to get extension automatically. The extension is based on the satisfaction of the management based on the performance of the applicant. Applicant joined the respondent bank under terms & conditions as mentioned in the appointment letter. The condition of appointment beside other conditions is as under :-

“Your services will be probationary for a period of Twelve months and the company will have to extend the probation period according to your performance reports. Your services will be confirmed only on receipt of a satisfactory performance report and you will be deemed to be on probation till your services are confirmed in writing”.

6. Statements in para 3,4 & 5 of the claim have been specifically denied & said to be false. Further it has been stated that applicant cannot claim as of right to be confirmed & confirmation depends only upon the job performance of the applicant & satisfaction of the management. It has been alleged that no provision of I.D.Act, 1947 has been violated by respondent or their authorities. At the end of para 4 extract of appointment letter has been quoted as term & service conditions of the applicant as given in appointment letter. After mentioning the extract of appointment letter it has been further stated that unsatisfactory performance & doubtful integrity of the applicant has been reason for his termination from the service & applicant is not entitled to any relief from the tribunal.

7. In additional statement non-applicant has alleged that respondent is a non-banking financial company not covered within the definition of ‘Industry’ as defined in section 2(J) of I.D.Act, 1947. Non-applicant has further alleged

that applicant Sh. Umardan Charan is not a 'workman' as defined under section 2(S) of I.D.Act, 1947. Provisions of section 2(J) & section 2(S) has been quoted in the reply to supplement the fact that non-applicant is not an 'Industry' & applicant is not a 'workman'.

8. Further, it has been alleged that services of the applicant was terminated as per terms & conditions of appointment letter as given therein & termination is not covered within the definition of retrenchment as given under section 2(oo) of I.D.Act, 1947. At last, it has been prayed that statement of claim of the applicant may kindly be dismissed on the basis of contention of the non-applicant as given in reply.

9. Reply to statement of claim was filed by non-applicant on 5.1.2015 & it's copy was given to applicant fixing 23.3.2015 for filing rejoinder & document by the applicant. After 23.3.2015 next date 4.6.15, 27.7.15, 21.10.15, 23.12.15, 2.2.16, 4.4.16 & 1.6.16 were fixed consecutively for filing rejoinder & document by applicant but applicant failed to avail opportunities on those dates & did not file rejoinder or document or both. On 1.6.16 applicant filed an application to direct the non-applicant to produce copy of rules & regulations relating to recruitment, employees' confirmation & termination of services along with procedure to initiate disciplinary action against the employees. Copy of this application was given to non-applicant fixing 8.8.16 for reply & disposal of the application. After 8.8.16 next dates 19.10.16, 7.12.16, 18.1.17, 22.3.17 & 17.5.17 were fixed & application of the applicant dated 1.6.16 was allowed on 17.5.17 fixing 2.8.17 for filing the rules & regulations by non-applicant. On all these dates also no attempt was made by applicant to file rejoinder or document by applicant.

10. On 2.8.17 applicant did not appear. Learned representative of non-applicant was present. Case was adjourned by tribunal on its own motion fixing 24.8.17 for filing rules & regulations by non-applicant as directed vide order dated 17.5.17. Further, on 2.8.17 applicant was again given opportunity for filing rejoinder & document on 24.8.17.

11. On 24.8.17 neither anyone appeared on behalf of applicant nor rejoinder or document was filed by applicant for which tribunal has been giving time since 23.3.15. Learned representative of non-applicant appeared on 24.8.17 & objected to continuous suo-moto adjournments by tribunal for filing rejoinder & documents even during absence of applicant. Reference was made by learned representative of non-applicant to number of past dates when applicant was absent yet opportunity was given to applicant by tribunal adjourning the case on its own motion in the interest of justice. In above fact & circumstances, further proceeding & opportunity to applicant was closed for filing rejoinder & document by applicant & case was reserved for award.

12. From perusal of record it is evident that no documentary evidence has been filed by applicant on record. At the time of filing statement of claim also no documentary evidence has been filed with claim petition. Non-applicant on 21.10.15 has filed Letter of Offer with two annexure, Letter of Appointment, Welcome Letter & document relating to condition of appointment.

13. It is evident from the above facts & circumstances that applicant has not taken interest in persecution of the case. Since 23.5.15 till 24.8.17 he has failed to file rejoinder & document due to which case has not proceeded further which indicates his lack of interest. He has been absent on many dates between 23.3.15 till 24.8.17 yet opportunities have been extended by the tribunal by adjourning the case suo-moto providing opportunity to the applicant to persecute the case. In absence of evidence in support of statement of claim it is not practicable to answer the reference in question according to law. Applicant has failed to adduce evidence in support of his statement of claim. He has even shown lack of interest in further advancement of the case to end with a logical conclusion. On the basis of above discussion, I am of the view that applicant has failed to prove that his removal from services of non-applicant as Credit Verification Officer by management of Indusind Bank Ltd, Jodhpur vide order dated 22.2.2013 is unjust & illegal. Applicant is not entitled to any relief. Accordingly, statement of claim of the applicant is dismissed.

14. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2785.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आईसीआईसीआई बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1 चंडीगढ़ के पंचाट (संदर्भ संख्या: 17/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.12.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आई. आर. (बी-1)]

बी.एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2785.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17 of 2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of ICICI Bank and their workmen, which was received by the Central Government on 05.12.2017.

[No. L-12025/01/2017-IR(B-I)]

B. S. BISHT, Section Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**Case No. I.D. No.17/2017**

Registered on 02.08.2017

Sh. Jagdish Chand Dogra, S/o Sh. Prabhu Ram, R/o Quarter No.240,, Railway Colony, Jalandhar.

Petitioner**Versus**

1. M/s. Checkmate Services Pvt. Ltd., through its Manager, H. No. 33, New Defence Colony, Old Phagwara Road, Deep Nagar, Jalandhar Cantt.
2. Managing Director M/s. Checkmate Services Ptv. Ltd., Aman Tower, G.F. 6, 7, 8, 9, Surya Colony. Fateganj, Main road, Vadodara, Gujarat-390002.
3. Branch Manager, ICICI Bank, Chest Pudda Complex, Jalandhar (Punjab).

Respondents**APPEARANCES**

For the workman : Sh. Sham Lal Chitti, AR of the workman

For the Management : Sh. Deepak Kumar for Resp. No.1 and 2
Sh. Dinesh Garg for Resp. No.3**AWARD****Passed on:- 20.09.2017**

According to the workman, he joined the services of respondent no.1 and 2 on 13.10.2008, who are service provider with respondent no.3. His services were terminated on 12.09.2014 without giving any notice. Conciliation proceedings were held before the Labour Commissioner which were not completed within 45 days as required under Section 2-A(2) of the Act and the Labour Commissioner issued a certificate dated 03.07.2017 to approach this Court.

Consequently, the workman submitted a statement of claim in this Court.

Today the case was fixed for notice to the respondent. The workman appeared along with his authorized representative and the respondents through their counsel. The workman moved an application for not pressing the present reference.

In view of the application moved by the workman, this reference is dismissed as settled.

KEWAL KRISHAN, Presiding Officer Cum-Link Officer

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेक्कन ग्रामीण बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या: 21/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.12.2017 को प्राप्त हुआ था।

[सं. एल-12012/18/2015-आई. आर. (बी-1)]

बी.एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2786.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21 of 2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Deccan Grameena Bank and their workmen, which was received by the Central Government on 05.12.2017.

[No. L-12012/18/2015-IR(B-I)]

B. S. BISHT, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT AT
HYDERABAD

Present : Sri Muralidhar Pradhan , Presiding Officer

Dated the 10th day of October, 2017

INDUSTRIAL DISPUTE No. 21/2015

Between:

Sri Pasupunooti Chandra Mohan,
H.No.5-1-74, Padmashali Street,
P.O: & (M): Jammikunta – 505122.
Karimnagar District.

... Petitioner

AND

1. The General Manager (Adm.)
Deccan Grameena Bank, H.O.,
H.No.2-1-520, IIInd floor, Vijaya Sri Sai,
Street No.9, Nallakunta,
Hyderabad – 500 044.
2. The Branch Manager,
Deccan Grameena Bank,
Jammikunta Branch,
Jammikunta – 505122, Karimnagar Dist..
3. The Regional Manager,
Deccan Grameena Bank,
Regional Office, Mukarampura,
Karimnagar – 505001.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent : M/s. S. Mujib Kumar, S. Vikramaditya Babu & K. Narasimhulu, Advocates for R1 & R3

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/ 18/2015-IR(B-I) dated 13.2.2015 referred the following dispute between the management of Deccan Grameena Bank, H.O., and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Deccan Grameena Bank, Jammikunta Branch, Karimnagar Dist., in terminating the services of Sri Pasupunooti Chandra Mohan, Ex-Sub-Staff/Driver in Deccan Grameena Bank, Jammikunta Branch, Karimnagar Dist., with effect from 13.6.2010 is justified or not? If not, to what relief the applicant is entitled for ?”

The reference is numbered in this Tribunal as I.D. No. 21/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on that date on behalf of the Petitioner. Non- appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and the Petitioner has no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri , Personal Assistant and corrected by me on this the 10th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2787.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कंटेनर कॉर्पोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या: 61/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.12.2017 को प्राप्त हुआ था।

[सं. एल-41012/25/2015-आई. आर. (बी-I)]

बी.एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2787.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 61 of 2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Container Corporation of India Limited and their workmen, which was received by the Central Government on 05.12.2017.

[No. L-41012/25/2015-IR(B-I)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present : Sri Muralidhar Pradhan , Presiding Officer

Dated the 9th day of October, 2017

INDUSTRIAL DISPUTE No. 61/2015**Between:**

Smt. V. Satamma and 5 others,
C/o Sri Swamy Vivekananda Swachanda
Seva Sanstha, Opp: Krishna Theater,
Vadaveddh, Visakhapatnam – 530 001.

...Petitioner Union

AND

The Senior General Manager,
Container Corporation of India Limited,
Port Harbour Road, 1 Town Area,
Visakhapatnam – 530 001.

....Respondent

Appearances:

For the Petitioner : Party in person

For the Respondent : M/s. C. Niranjan Rao & M. Subramanya Sastry, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-41012/ 25/2015-IR(B-I) dated 15.7.2015 referred the following dispute between the management of Container Corporation of India Limited and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of M/s. Sai Lakshmi Conservance, Hyderabad (Contractor) and M/s. Container Corporation of India Limited, Visakhapatnam (Principal Employer) in terminating the services of Smt. V. Satimma and 5 (five) other contract workers (as per list enclosed) is legal and justified? If not, to what relief the concerned workmen are entitled?”

The reference is numbered in this Tribunal as I.D. No. 61/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement of the Petitioner union. In spite of availing several opportunities, the Petitioner union remained absent and there was no representation on behalf of the Petitioner union which clearly indicates that perhaps the dispute of the Petitioner union has already been settled. In the circumstances stated above, it is felt that the Petitioner union is not interested in pursuing the dispute. Thus, ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 9th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 5 दिसम्बर, 2017

का.आ. 2788.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेक्कन ग्रामीन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या: 28/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.12.2017 को प्राप्त हुआ था।

[सं. एल-12012/08/2014-आई. आर. (बी-1)]

बी.एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th December, 2017

S.O. 2788.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28 of 2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Deccan Grameena Bank and their workmen, which was received by the Central Government on 05.12.2017.

[No. L-12012/08/2014-IR(B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 9th day of October, 2017

INDUSTRIAL DISPUTE No. 28/2014

Between:

Sri Garigaboina Srinivas,
H.No.1-533/1, Maruthinagar,
P.O. & M : Choppadandi – 505415,
Karimnagar District.

... Petitioner

AND

1. The Branch Manager,
Deccan Grameena Bank,
Choppadandi Branch,
Choppadandi, Karimnagar Dist.
2. The General Manager (Adm.)
Deccan Grameena Bank, H.O.,
H.No.2-1-520, IInd floor, Vijaya Sri Sai,
Sreet No.9, Nallakunta,
Hyderabad – 500 044.
3. The Regional Manager,
Deccan Grameena Bank,
Regional Office-V, Maruthinagar,
Mancherial. Adilabad district.

... Respondents

Appearances:

For the Petitioner : Sri M.V.L. Narasaiah, Advocate

For the Respondent : M/s. S. Mujib Kumar, S. Vikramaditya Babu & K. Narasimhulu, Advocates for R1 to R3

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/ 08/2014-IR(B-I) dated 20.2.2014 referred the following dispute between the management of Deccan Grameena Bank, and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Deccan Grameena Bank, Head Office, Hyderabad/Regional Office, Mancherial and Branch Office at choppadandi, Crossing 240 days continuous services of Shri Garigaboina Srinivas, Ex-casual Worker with effect from 9.2.2013 is justified or not? If not, to what relief the workman is entitled for ?”

The reference is numbered in this Tribunal as I.D. No. 28/2014 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the Petitioner on that date. Non- appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and the Petitioner has no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri , Personal Assistant and corrected by me on this the 9th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL